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InBrief

THE MAGAZINE OF CASE WESTERN RESERVE UNIVERSITY SCHOOL OF LAW

IS OBAMACARE STILL ABOUT HEALTH INSURANCE?

FOUR YEARS LATER, THE HISTORIC ACT
CONTINUES TO RAISE A SWARM OF LEGAL
ISSUES, AND CASE WESTERN RESERVE
LAW PROFESSORS ARE LEADING THE
NATIONAL DEBATES



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In Brief

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A CONVERSATION WITH OUR ACTING DEANS



Case Western Reserve University announced on November 14 the appointment of two of its noted scholars as interim deans of the School of Law. Jessica Berg, an expert in health law, and Michael Scharf, formerly associate dean for Global Legal Studies, share leadership across such areas as admissions, philanthropy and implementation of the school's dynamic new curriculum.

In what ways have you enjoyed your interim dean roles?

Interim Dean Scharf: We have been thrilled by the overwhelming support and encouragement we have received across the school, university and our alumni community. Our faculty have volunteered to help however they can, our staff have stepped up their already extraordinary efforts, and students continue to excel in classes and across a wide range of extracurricular activities. Our graduates have been amazing in arranging opportunities for us to meet alumni in Northeast Ohio and sitting down with us during visits around the country.

Interim Dean Berg: In addition to their assistance with admissions and engaging alumni, our faculty also contributed immensely to the school's advancement when they approved detailed elements of our new curriculum by near-unanimous votes in December. In addition, they continue to draw national attention for their work on everything from the constitutionality of the Affordable Care Act to China's compliance with international trade laws. Finally, the dual interim dean approach has worked extremely well. Michael and I confer on everything, and have the added benefit of being able to cover more meetings and events than either of us could manage alone.

Scharf: Jessica and I share common values about legal education and at the same time have complementary strengths. We are grateful that the President and Provost have given us this opportunity and structured the leadership model in this way.

What have you been doing on the road?

Scharf: We are in the midst of vigorous admissions recruiting these days, travelling to universities across the state and nation to tell prospective students about our exceptional faculty, outstanding summer opportunities, and our exciting new curriculum.

Berg: We have also been meeting with law firms and other organizations in several cities to discuss our students' strengths for job placements, and also meeting with government agencies to identify ways to expand our externship placements. And we've met with a number of alumni leaders who have provided valuable advice and generous contributions to the law school.

What kind of advice from alumni have you found most useful?

Berg: One alumnus, who was CEO of a large multimedia organization, urged us to focus our marketing more intensely on our three strongest specialty areas – international, health, and intellectual property. This graduate also recommended that we continue to highlight what's great about our city for people who are unfamiliar with Cleveland.

Scharf: Another graduate, who is General Counsel of a news organization, helped us refine our "Bridge to Practice" concept. This is a model where alumni can "adopt" a student by providing financial support for a year-long post-graduate fellowship. The fellowships allow graduates to gain invaluable experience with organizations that otherwise would not be able to offer paid positions.

We are in the midst of vigorous admissions recruiting these days, travelling to universities across the state and nation to tell prospective students about our exceptional faculty, outstanding summer opportunities, and our exciting new curriculum.



What are you looking forward to in the coming months?

Berg: We will complete our strategic planning process this spring. It's been a great opportunity for all of us to work together to outline our goals and objectives as a school. This is a time of tremendous change, and this process helps us prioritize and outline our direction as a community.

Scharf: We also are working extremely hard on admissions. Our admissions team, led by Alyson Alber, has collaborated closely with the central university admissions and marketing experts to enhance strategies and ramp up communications substantially. In addition, Jessica and I are calling every admitted student personally within a day or two of their receipt of our admission letter. We have asked alumni to help us with follow-up phone calls, and have asked current students to help with calls and also meet with admitted students who visit campus.

Berg: We're particularly excited about the appointment of Judy Lipton as Associate Dean for Experiential Education, who already has been a catalyst for expansion and improvement of our programs in this area. As a preview of our new capstone approach, we will pilot a full-time, full-semester 12-credit Criminal Justice Clinic in the next academic year. We also will launch an international human rights clinic in the Spring 2015 Semester. And we will expand our international tribunal externships to include organizations such as the World International Property Organization, the World Trade Center, and INTERPOL.

Anything you want to add?

Berg: Michael and I encourage our alums to let us know about anything that we might be able to do to make our law school a better place. We hold receptions and discussions across the country, and we hope more and more alums will continue to join us at those events. We find the questions and discussions immensely valuable. Please continue to provide feedback and suggestions, whether in conversation or via email, lawdeans@case.edu.

Scharf: You can register for our alumni events by going to our website, law.case.edu, and checking the alumni section. It is continuously updated, and we post upcoming events on our social media accounts, too.

IS OBAMACARE STILL ABOUT HEALTH INSURANCE?

FOUR YEARS LATER, THE HISTORIC ACT CONTINUES TO RAISE A SWARM
OF LEGAL ISSUES, AND CASE WESTERN RESERVE LAW PROFESSORS
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The introductory slide to Professor Jonathan Adler's presentation about Obamacare prompts instant reactions from audiences across the country.

"The Illegal Implementation of Obamacare. The Patient Protection and Affordable Care Act Was Bad Enough as Written."

Without having to say a word, the PowerPoint title sets the stage for Adler's argument that the executive branch is acting illegally as it struggles to implement one of the most historic pieces of health-related legislation.

This controversial topic, of course, is no laughing matter. And Adler speaks seriously when he explains his research, which has now led to four lawsuits — and likely an upcoming fifth — against Obamacare. But what perhaps is most peculiar about Adler's presentations, as he speaks before crowds in various cities, is the fact that he shouldn't even be giving them in the first place.

"My involvement in healthcare was kind of an accident," Adler says sheepishly.

Up until he became a nationally known expert on Obamacare, he'd been best known for his work on environmental law, tackling such topics as fishery rights and the regulation of greenhouse gases.

He is author or editor of more than a dozen book chapters and four books on environmental policy. He's now a regular blogger in *The Washington Post* and, although he keeps readers updated on the latest Obamacare happenings, most of his writings have nothing to do with health care.

Obamacare has become so large and complex that it has raised numerous questions across many legal areas. It has spawned research from law professors such as Adler who don't normally get involved in health matters. It has raised constitutional questions and administrative law issues, spurred discussions of racial bias in the health industry and even brought such topics as contraceptive rights back into the limelight.

"Overall, it's given health law more visibility," said Interim Dean Jessica Berg, a renowned health law scholar who has also given presentations across the country. "Organizations need legal experts to help them understand what Obamacare does and how it changed health care."

As discussions, policies, debates and research about the act move forward, Case Western Reserve University School of Law is a national leader.

"Overall, it's given health law more visibility. Organizations need legal experts to help them understand what Obamacare does and how it changed health care."

— Interim Dean
Jessica Berg



Professor Ruqaiyah Yearby

Does Obamacare increase racial disparities in the healthcare system?



Health care has been racially unequal in the United States since the Civil War, and Professor Ruqaiyah Yearby's research argues that Obamacare "does nothing to eradicate those barriers."

"The solutions it funds are so removed from any link to the problems," she said.

Yearby's paper, "Breaking the Cycle of 'Unequal Treatment' with Health Care Reform: Acknowledging and Addressing the Continuation of Racial Bias," was published in the *Connecticut Law Review* in 2012. It outlines numerous studies that have shown racial disparities, due to racial bias, persist in the health care industry years after the enactment of Title VI of the Civil Rights Act of 1964, which sought to put an end to "separate but equal" access to health care.

A 2002 Institute of Medicine Study, for example, found that minority patients were given poorer quality of care and some

physicians were influenced by a person's race, resulting in poor health outcomes.

The Affordable Care Act does not completely ignore the issue of eradicating racial disparities in health care. According to Yearby's research, multiple strengths exist. The act limits a charitable hospital's ability to charge uninsured patients more than the amount of insured patients and it standardizes data collection of racial information and increases the stature of the Office of Minority Health. The act also increases health coverage for minorities.

"These cases are about women's equality and it's not getting framed that way. I think that is really the issue."

— Professor Jessie Hill

So how does Obamacare contribute to racial disparities? According to Yearby's research, it focuses mostly on individual solutions, such as patient education, and does nothing to address the continuation of racial bias in the health care system, which has been documented in numerous studies. For example, two decades of research studies have shown that some physicians, regardless of their race and/or gender, fail to provide African Americans with medically necessary treatment because of racial bias. Furthermore, increased access to insurance does not necessarily mean an increase in quality of care or access to health care. If a hospital facility wants to relocate from an urban area to a suburban one, for example, it can do so, even if it means that the urban area will be underserved as a result.

"We also need to move away from providing care based on the ability to pay instead of need because it disproportionately affects minorities' access to health care," she said. "At the very least, we need to say 'everyone gets the same standard of care' and mean it. We need to equalize quality for the insured and uninsured."

One of the most tragic examples is the story of Deamonte Driver, which Yearby includes in another paper, "Racial Inequalities in Mortality and Access to Health Care," published in *The Journal of Legal Medicine* in 2011. The 12-year-old African American boy was unable to afford \$80 for a dentist to remove a decaying tooth, and he eventually died from a brain infection caused by the spread of the bacteria from the abscess in his mouth. He didn't die because he was African American, but because of the "disparate impact of income equality on minorities."

"As a result of a health care system structured to provide care based on ability to pay, minorities are disproportionately denied access to health care because either they cannot afford to pay for health care or are covered under government health insurance programs that physicians will not accept," Yearby writes. "Wholly avoidable, Deamonte's death is a glaring example of the perils of the United States' policy of rationing access to health care based on ability to pay and how this policy exacerbates racial disparities in health care."

On March 27, the law school hosted a national symposium, organized by Yearby, called "Sick and Tired of Being Sick and Tired: Putting an End to Separate and Unequal Health Care in the United States 50 Years After the Civil Rights Act of 1964." Top experts in the legal, medical, social science and public health fields developed an action plan to put an end to racial bias and prevent racial disparities in health care.

"Our overall problem is that we are not focused on improving access to quality the health care system for those who need it the most as much as we are focused on the political debate," Yearby said.

Professor Jessie Hill

Are some lawsuits against Obamacare more about women's equality than health care?



Two employers — Conestoga Wood Specialties and Hobby Lobby — have filed lawsuits against Obamacare, arguing that the requirement to pay for certain contraceptives is a violation of their religious freedoms.

"Within the domain of reproductive rights, abortion remains highly contested territory, but we might have thought that contraception — which is practiced by the overwhelming majority of sexually active women of childbearing age — was widely accepted as an essential part of women's health care," Professor Jessie Hill wrote in an article published on SCOTUSblog. "We would be wrong."

Hill is one of about 20 scholars who submitted an amicus brief in the U.S. Supreme Court cases. They argue that employers cannot force their beliefs onto employees who don't share the same religious faith. Exempting the employers

from covering the contraceptives would deny employees a government benefit to which they are legally entitled.

While the lawsuits themselves spur much debate about whether employers are really persons with religious freedoms and whether the contraceptive mandate imposes a substantial burden upon their liberties, Hill's research focuses on the deeper issues at play.

First, the act brought the contraceptive coverage debate to the forefront largely because of the federal government's increased role in health care decision-making. Traditionally, decisions have been made between doctors, insurers and patients. Now the federal government is weighing in on what is "essential" health care.

In her article, Hill explains that the government has made a judgment call "that maintaining control of one's reproductive life is a basic medical need and that prescription contraceptives are a morally and socially appropriate means of meeting that need. Those who religiously object to such coverage apparently hold the opposite view, at least with respect to certain forms of contraception."

But there are also equality issues. In 1998, one legal scholar observed that private insurance plans did not cover prescription contraceptives, although unintended pregnancies were a problem impacting American women. As a result, women spent 68 percent more than men on out-of-pocket health care costs and the failure of employers to cover contraceptives constituted illegal sex discrimination in violation of Title VII.

Soon after this observation, Hill writes in her article, the Equal Employment Opportunity Commission "reached a similar conclusion," and lawsuits against employers were filed. Meanwhile, many states adopted their own laws, requiring insurance coverage of contraceptives. This occurred between 1998 and 2009.

Now, through the Conestoga Wood Specialties and Hobby Lobby cases, the same issue is back again — this time before the U.S. Supreme Court and with an added religious liberty debate. The real issue, however, is not being discussed as it should, Hill says.

"These cases are about women's equality and it's not getting framed that way," she said. "I think that is really the issue."

Professor Sharona Hoffman

Is Obamacare's reliance on electronic health records for research a good idea?



One of the major goals of health care reform is reducing the cost of health care. The United States spent a whopping 17.9 percent of its gross

domestic product on health care in 2011, according to The World Health Organization.

Obamacare in part seeks to address the issue of rising health expenditures through its support and advancement of comparative effectiveness research. The goal of this research is to make more informed health care decisions through evidence on treatment options. This evidence is most often conducted through observational studies that involve a review of patients' electronic health records.

Obama's stimulus plan set aside billions to promote health information technology and now the Affordable Care Act created a quasi-governmental entity, the Patient-Centered Outcomes Research Institute, to advance comparative effectiveness research and its use within the medical community. The institute awards millions of dollars in grants to support this research.

Consequently, electronic health records are becoming increasingly important for government initiatives. But use of such records should be approached with caution, because the records have certain limitations and pitfalls.

Professor Sharona Hoffman co-authored, with Professor Andy Podgurski, "Big Bad Data: Law, Public Health, and Biomedical Databases," which was published in the *Journal of Law, Medicine and Ethics* in 2012.

"Unlike clinical trial data, EHR (electronic health records) data is not recorded primarily to meet the needs of researchers. Because of clinicians' workloads, poor user-interface design, and other factors, EHR data is surprisingly likely to be erroneous, miscoded, fragmented, and incomplete," they wrote.

Electronic health records generate considerable opportunities, especially for research and public health. Researchers using large



databases, for example, can conduct studies with millions of patients and examine treatment effectiveness, disease progress and outcomes.

But there are many shortcomings. Hoffman notes in her writing that records often contain data entry errors, incorrect menu choices from drop-down menus, and mistakes in the checking and unchecking of boxes. There may also be perverse incentives at work in some cases. If doctors don't uncheck certain boxes regarding patient visits, it might look like they did more during their examination than they actually did, and they can charge more.

In other cases, records are simply incomplete. When doctors give patients medications such as antibiotics, they often do not schedule follow-up visits. Thus, the record will not show outcome data, and researchers will not know if the patient got better or got worse and went to a different doctor for additional care. Records may also be fragmented if patients visit different health clinics that do not have interoperable electronic health record systems. Pieces of the patient's records will be in different clinic systems and cannot be put together into a comprehensive whole that will give researchers a complete picture of the patient's medical conditions and treatment.

Researchers' reliance on flawed electronic health records could lead to flawed policies and regulations.

"For example, if you come to the wrong conclusions about which treatments are effective, and insurers stop paying for certain medications from which patients could actually benefit, you would be doing patients a great disservice," Hoffman said.

Parts of the government have funded comparative effectiveness research before, but the Obama administration, through the Affordable Care Act, has given it much more attention and funding, which could lead to major changes in coverage.

"Depending on what comparative effectiveness yields — if it yields anything — we may see changes in the guidelines or regulations as to what insurers cover and don't cover," Hoffman said.

In "Big Bad Data," Hoffman and Podgurski argue that in order for this kind of research to be successful, investment in proper infrastructure for researchers and public health agencies is necessary. Steps should be taken by vendors, regulators, and health care providers to improve data quality, reduce data errors, and make sure that electronic health record systems capture data in ways that are helpful to researchers.

"The public health community should embrace initiatives to leverage EHRs [electronic health records] to promote public health, but should approach these with a realistic understanding of the obstacles and challenges they pose," they write.



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Professor Maxwell Mehlman

Should Obamacare protect doctors from liability for medical malpractice if they follow medical practice guidelines?



In return for the American Medical Association's support for the Affordable Care Act, one of the things President Obama promised was protection for physicians from malpractice

liability if they followed "practice guidelines," that is, professional recommendations about appropriate care.

The final version of the law merely provides federal funding to explore this approach, known as "safe harbors," but another part of the president's health reform initiative was to fund research to identify "evidence-based" medical practices. Safe harbors supporters were hopeful that this research would provide a firm scientific foundation for the safe harbor guidelines.

Safe harbors had been tried once before in the early 1990s, and had failed for a number of reasons. In a series of articles published in 2012 and 2013, Mehlman predicted that the approach was bound to fail again. He noted that there was no accepted source of practice guidelines, resulting in conflicting recommendations issued by rival medical groups.

In addition, the physicians who devise guidelines often have financial conflicts of interest, which undermine the trustworthiness of their recommendations. The industry-supported research intended to generate the underlying "evidence" also is vulnerable to conflicts of interest. More importantly, its results may not hold true for specific patients, who differ, in ways that researchers are only beginning to understand, in their genetic makeup, the way their bodies function, and their environments. Physicians in malpractice cases therefore would still have to prove that the guideline was appropriate for the patient in question, which would preclude it from serving as an absolute defense to liability.

The safe harbors study funded by the ACA was conducted by the Office for Oregon

Health Policy and Research. Its report, published in January 2014, largely agreed with Mehlman, noting, for example, that "individual cases will continue to require a factual determination of whether a particular guideline is applicable to the individual situation and whether or not it was actually adhered to by the physician."

Accordingly, the report concluded, a safe harbors approach would have little impact on medical liability.

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Professor Jonathan Adler

Is Obamacare implementation illegal?



To explain how the nation ended up with Obamacare in the first place, Jonathan Adler points to the topic that got him interested in the first place: administrative law.

After his first election, President Obama made health care reform one of his top priorities, and mounted a fast-track campaign for a landmark act that would change health care forever. Two versions of the legislation emerged in the Senate and House. The Senate version favored the creation of state health insurance exchanges, and the House version favored a federal system.

Typically, a legislative conference compromise occurs and the two chambers work together on a final bill.

But the unthinkable happened. Democrat Sen. Ted Kennedy — who made advocacy for health care his No. 1 cause — died in office. Republican Sen. Scott Brown won in a special election. During Brown's campaign, he spoke against the health care reform plan in the Democratic-led House and Senate and threatened to filibuster the bill in the Senate.

So instead of conferencing and ironing out the details with the Senators, House

representatives enacted — word-for-word — the Senate's bill. And that's where the problem starts, according to Adler.

"The bill we have is the Senate's rough draft," Adler said. "In a sense, we got the law no one wanted."

Several challenges have been raised, and Adler, in a research paper with Michael Cannon of the Cato institute, argues one of them, which has spawned four state lawsuits, and possibly a future fifth.

The act, they wrote, provides tax credits for individuals who purchase health insurance plans on state-run exchanges. At the time the law passed, advocates assumed that states would simply adopt their own exchanges. But that's not the case. In fact, most states declined. This means the tax credits — which are essential for making the health care plans affordable — should not be issued to citizens in those states. However, the federal government is issuing the tax credits, saying the lack of a state exchange means the system simply defaults to the federal government. This is illegal, Adler argues.

The Treasury Department is now giving itself the ability to implement the act at different time frames. In February, the administration announced the delay of the "employer mandate" for companies of a certain size, and other requirements were relaxed, too. The deadlines are clear, and there is no provision for delays in this part of the act. This is also illegal, according to Adler.

A challenge is unlikely, given that a plaintiff must demonstrate that he/she has standing and is injured in some way. A prior lawsuit involving an earlier delay was also quickly dismissed and is unlikely to change on appeal.

But is this the right way to implement laws in America?

"We don't want a system in which, when you get to the White House, anything goes," Adler said. ■

"The bill we have is the Senate's rough draft. In a sense, we got the law no one wanted."

— Professor Jonathan Adler

LLM alum appointed as Judge of the High Court in Uganda

Duncan Gaswaga reflects on his experiences at CWRU

I was the third Distinguished Jurist in Residence (2012-2013) after Chief Magistrate Rosemelle Mutoka of Kenya's piracy court and Judge Ra'id Juhi Hamadi al-saedi, Chief Investigative Judge of the Iraqi High Tribunal that prosecuted Saddam Hussein. My deep appreciation goes to Professor Michael Scharf who assisted the Republic of Seychelles with binders of legal research memoranda to facilitate the prosecution of pirates. It was during his visit to the Seychelles that I got to know more about the Case Western Reserve University School of Law (CWRU).

At that time, I was working as an expatriate Judge of the Supreme Court and Constitutional court, and Head of the Criminal Division, in which capacity I got the rare opportunity of presiding over maritime piracy trials committed by Somalis on the Indian Ocean. The school offered me a full-tuition scholarship as part of its International Criminal Law LLM program, and I spent one semester in residence and another semester on externship at the International Criminal Court in The Hague, The Netherlands.

The program was not only self-rewarding but also career fulfilling. For I had long wished to study International Criminal Law in an American University given that my training: LLB (Tanzania), LLM (South Africa) and Post Graduate education for admission to the Bar (Uganda) was all obtained in the African Continent. The program provided an opportunity for me to interact both socially and intellectually with people from diverse nations, professions, cultures, races and walks of life.

The students were quite friendly and supportive, and always initiated very engaging discussions. The professors too were very helpful and approachable. It was much easier for me to consult with the professors given that my office was on the same floor as most of them. As students, we also took advantage of the well-stocked and up to date law library, which provided a conducive reading environment, to find the latest study material in the field of international criminal law.

Professor Scharf organized for me several speaking engagements at various schools of law, including Case and other universities in



Cleveland, Atlanta, New York and Europe, and the Robert Jackson Centre, Chautauqua where I got the opportunity to meet with the prosecutors of the world International Criminal Courts and Tribunals.

I also attended a debate on piracy at the Security Council, New York and was able to participate in the ICC world moot competitions as one of the Judges. Through the efforts of Professor Scharf and my other lecturer, Dr. Shanon French the Director of Inamori International Centre for Ethics, I was able to obtain funding from the Frederick K. Cox International Law Centre, Inamori International Centre for Ethics, and the Planethood Foundation to facilitate my externship program and the publication of articles on piracy and terrorism.

The knowledge and experience harnessed from the program is presently being shared with the judicial officers of Uganda, where I have been appointed Judge of the High Court, and I hope to make meaningful contribution to the International Criminal Division of the High Court of Uganda. The knowledge will also be shared through the articles that I intend to publish.

Apart from the cold weather, I loved and enjoyed everything in Cleveland. It was such a wonderful experience studying at CWRU and would recommend the program to those who want their door to the outside world opened. ■



Duncan Gaswaga was sworn in at the State House Entebbe, Uganda before H.E. President Yoweri Museveni. He is joined by his family (Lulu Denise, 12; Galvin, 8; and Denzel, 5).



Gaswaga and his wife, Liz, built apartments named Cleveland, in honor of his experiences as an LLM student at Case Western Reserve. The apartments are located along Gaswaga Drive in Kamapla city.

Law school moves up in *U.S. News* rankings

Case Western Reserve University School of Law gained four places in *U.S. News & World Report's* 2015 Best Law Schools rankings. The school tied at #64. Our health law ranking climbed two slots to #3, and international law ranked #15.

"These results illustrate the momentum we have been building with regard to emphasizing our areas of strength and providing students the academic and extracurricular experiences required to succeed," said Interim Dean Michael P. Scharf, a professor of international law. "As we launch a new curriculum this fall, we expect to see even greater gains for our graduates."

Interim Dean Jessica Berg, a health law expert, added, "Our health law program was the first of its kind when we opened the Law-Medicine Center in 1953. We have only benefitted from the extraordinary gains of our medical school and the region's growing emphasis on health care and biomedical innovation. We are honored to be so highly recognized by our peers."

This year's list marks the first time the school improved its overall standing since 2009, and came courtesy of improvements in acceptance, bar passage and employment rates. Specifically, the acceptance rate moved five points, to 49 percent, while the bar passage rate for Ohio climbed a tenth of a percent to 81.9 percent.

In addition to our jump in the rankings, the law school saw gains in employment numbers. Ninety-one percent of graduates in the Class of 2013 are employed or enrolled in an advanced degree program nine months after graduation. This overall employment statistic represents a five percent increase from last year. Bar-required employment jumped from 71 to 83 percent. ■



Science to Market

New IP Venture Clinic assists young entrepreneurs with product launches

When Case Western Reserve's intellectual property experts began planning their new clinical program, they did not see a rainbow of opportunity. They saw a hole. A big one.

Legal resources for young entrepreneurs, particularly college students and recent graduates, were virtually non-existent. These science and technology gurus had great product ideas, but lacked the funding, business sense and legal know-how to launch them. For years, inventions by individuals in this demographic found themselves in black holes, with product ideas that never made it to the shelves.

Now, the law school is helping these entrepreneurs take their science to market. And student lawyers are doing the work, gaining strategic business exposure and real-world intellectual property law experience at every step of the process.

"The IP Venture Clinic is turning that gap in the intellectual property continuum into an educational opportunity," said Ted Theofrastous, managing attorney of the IP Venture Clinic and Distinguished Practitioner-in-Residence.

The clinic is one of many initiatives that comprise the law school's Center for Law, Technology and the Arts. The center is directed by notable intellectual property scholar Craig A. Nard.

"We are extraordinarily fortunate to have someone like Ted manage the clinic; he is an extremely sophisticated and thoughtful technology lawyer with extensive experience in this space," said Nard.

Theofrastous, who is also a co-founder and managing director of the center's FUSION program, has been a commercialization lawyer for 15 years. But as the managing attorney for the IP Venture Clinic, he takes a step back and allows his students to take the lead on every aspect of turning ideas into patentable products and successful businesses.

The students begin by reviewing each client's intellectual property and business needs. To qualify, entrepreneurs must be unfunded, with a personal income at or under three times the poverty level. The ideal client not only has an idea, but a long-term goal of advancing a business.





◀ *Ted Theofrastous is managing attorney of the law school's new IP Venture Clinic and Distinguished Practitioner-in-Residence.*

"We needed more as a profession to address the potential in the unfunded entrepreneurs," Theofrastous said. "Our goal is to move their projects toward an investable state."

Many of the clients are current Case Western Reserve students, such as the trio who invented Sprav. Born out of an extra credit assignment in an engineering class, Sprav is a device that clips on to the pipe behind a shower head and gives audio and visual cues about how much water and energy a person has consumed. The attractive-looking gizmo lights up green, yellow and red based on consumption levels. Sprav uses Bluetooth to connect to a smartphone app, which may be used to customize settings and monitor water usage overtime.

Other clients, such as Disease Diagnostic Group CEO John Lewandowski, are young alums who are leveraging resources to help them launch projects they began working on as students.



As the IP Venture Clinic helps fill the hole in the intellectual property continuum, young entrepreneurs who never would have had the resources to launch their inventions are finding themselves with real products in the market.

Disease Diagnostic Group created a device that drastically speeds up the ability to diagnose malaria. The Rapid Assessment of Malaria (RAM) device uses magnets and lasers and can offer a diagnosis in one minute with the drop of blood from a fingertip.

"Jake Busch at the IP Venture Clinic provided valuable insight," Lewandowski said. "We provided Jake with an outline of the patent agreement and the operating agreement. He found new opportunities for future patents."

Busch, Ankit Patel and Jeremy Saks are the three law students who comprise the inaugural group of IP Venture Clinic students. Collectively, they've reviewed about a dozen potential projects since the clinic began in September. During the spring semester, nine projects were actively involved in the patent process at various levels, depending on the client's needs.

"I assess whether or not they have a viable IP concept and whether or not they are a good client for the program," Busch said. "Some clients have an idea they want to us to patent for them, but they have no corporate aspect. Others want us to help set up a company, but have no IP component."

The IP Venture Clinic has forged partnerships wherever possible. The university's Blackstone Launchpad, an on-campus destination for students who need help launching their own business – has referred clients to the clinic for legal help. Rich Wesorick, Managing Partner of Tarolli, Sundheim, Covell & Tummino partners with the clinic by supervising students' filings with the U.S. Patent and Trademark Office. The university's Office of Research and Technology Management, which is launching a new venture fund in collaboration with University Hospitals and the state of Ohio, will utilize the clinic to review applications for the venture fund to help make them better candidates for funding.

"As is requisite for partnership success, the IP Venture Clinic's approach truly provides value to all of its participants," said Joseph Jankowski, the university's Chief Innovation Officer who will lead the new seed-stage venture fund and serves as advisor to the clinic. "The law students receive an unparalleled opportunity to contribute to a growing ecosystem of new enterprises, and the entrepreneurs receive valuable legal representation as they grow their enterprises towards value creation. Meanwhile, the university and region benefit from multi-school, regional collaboration that has long been the vision of the university."

On top of those efforts, the IP Venture Clinic is coordinating the full launch of the Patent Pro Bono Network, part of a national initiative outlined in the America Invents Act. The Pro Bono network will serve as a one-stop shop for individuals seeking assistance with intellectual property legal matters, some of whom will make their way into the clinic, if they qualify.

And this is just the beginning. The long-range plan, Theofrastous said, is to expand geographically. The clinic will start in Northeast Ohio, as it has already accomplished, and grow its reach across the State of Ohio and Western PA from there. Not to mention, the clinic's ultimate goal of helping its clients negotiate funding options with investors, and eventually seeing those products hit the market – nationally and internationally, in some cases.

"Our students can graduate from law school, having done a deal — start to finish," he said. "That's a pretty important differentiator."

As the IP Venture Clinic helps fill the hole in the intellectual property continuum, young entrepreneurs who never would have had the resources to launch their inventions are finding themselves with viable, investable product opportunities.

Like a rainbow of opportunity. ■

Examples of IP Venture Clinic Clients:

BLDGScout – energy management control and education system

Carbon Origins – rocket platform for low-cost suborbital experimentation

Disease Diagnostics – low-cost malaria diagnostic platform

Jet Engine Design (name, TBD) – high-efficiency jet engine design

MediMEMs – advanced coatings for implantable devices

Paradigm Analysis – visual data analysis platform

Re-Mesh – a novel approach to "Many to 1" relationships in communications and social networks

Sicca Aqua – a rehabilitation exercise device

Sprav – bluetooth-enabled shower monitoring device



INTERIM DEAN MICHAEL SCHARF AND
LAW ALUM DANIELLE FRITZ (LAW '13)
**work to end
atrocities in Syria**

“Through these wonderful experiences, I developed a strong background in international humanitarian and criminal law, which serves me well in my current work.”

– Danielle Fritz (LAW '13)

Danielle Fritz enrolled in law school knowing she wanted a career in public international law.

Now, less than a year after graduating, she is among the team of lawyers working to resolve one of the most important public international law issues this year: the fighting and commission of atrocities in Syria.

“The humanitarian situation in Syria is incomprehensible and unacceptable. I am fortunate to have been given an opportunity to play a role in resolving the Syrian conflict and bringing perpetrators of war crimes to justice,” Fritz said. “I never imagined that I would be involved in such high-level work immediately after law school. Professionally, the skills and knowledge that I am developing through this process will help to sustain my career in public international law.”

The Syrian civil war has resulted in hundreds of thousands of casualties, including 1,400 people who were killed last August by use of chemical weapons.

As a 2013-14 fellow, Fritz is on the team of lawyers for the Public International Law & Policy Group (PILPG), a global pro bono law firm that is providing strategic and technical assistance to the National Opposition Coalition, which has been fighting the Syrian government for two years.

Interim Dean Michael Scharf is co-founder and a managing director of PILPG. Last year, he served as co-chair of an expert group which drafted a Statute for a Tribunal to prosecute Syrian Atrocities. The experts provided a copy of the draft statute to the coalition’s Minister of Justice Radwan Ziadeh. In February, the coalition’s Judicial Council endorsed the elements outlined in the draft statute. Scharf also met with members of the U.S. Congress, who are

pressing for legislation calling for the establishment of a Syria Tribunal.

Meanwhile, PILPG has served as legal counsel to the coalition during the two rounds of Syrian peace talks in Geneva in January and February. Fritz has been involved in writing memos used by the delegation during the negotiations and providing additional legal assistance. Currently, PILPG is working with the coalition to prepare for the third round of talks.

Fritz is grateful to have studied under Scharf and credits her law school experiences with helping her achieve her dream of working in public international law.

“I would not be able to work with PILPG without generous financial support from the Career Development Office and the Frederick K. Cox International Law Center,” she said.

“Moreover, Dean Scharf secured funding from the Planethood Foundation to support my fellowship. CWRU Law has supported my career in public international law every step of the way.”

This isn’t the first time Fritz has been involved in major international law projects. As a student in the war crimes research lab, she wrote a memorandum on prosecuting juvenile pirates, which Scharf presented to the UN Contact Group on Somali Piracy in Copenhagen. She also secured internships at the Refugee Law Project in Uganda, the Special Court for Sierra Leone in the Netherlands, and the International Justice Program of Human Rights Watch in New York.

“Through these wonderful experiences, I developed a strong background in international humanitarian and criminal law, which serves me well in my current work,” Fritz said. “CWRU Law provided me with amazing opportunities to explore my interest in this exciting field.” ■



Danielle Fritz

Law school's employment numbers rise

ALUMNI SUPPORT: A COMPONENT OF SUCCESS

Case Western Reserve University School of Law saw a notable jump in the percentages of students who are employed after graduation.

The percentage increase went from 86 percent with the Class of 2012 to 91 percent with the Class of 2013, an increase of 5 percentage points in just one year. And that's not all.

The number of students employed in bar-required positions dramatically increased from 71 to 83 percent.

The obvious question: why?

"We can't point to a single reason for the increase, but we know that multiple factors contributed to our growth," said Donna Davis, assistant dean of career development. "Taken together, these factors tell the story."

A smaller class size, more one-on-one support, greater faculty involvement, valuable student input and a strong alumni network have contributed to the growth in the percentage of students who are employed after graduation.

As she explained in a recent National Law Journal article, Davis said the law school has taken an aggressive national approach to legal recruiting. For a number of years, the Career Development Office has began the academic year by polling students about the top three locations where they would like to practice, along with preferred practice areas. Polling the students increased the Career Development Office's focus.

"We rely on student input and let the data drive our recruiting decisions," Davis said.

The survey results drive the career counselor, employer and student outreach schedules for the year.

Outreach meetings increased 40 percent from 100 meetings in 2011-12 to 140 meetings in 2012-2013. Additionally, the CDO employer meeting solicitations significantly increased from 491 attempts in to 676 attempts during the same time period.

No longer are careers solely focused on large law firms. These days, more students are using their JD degrees in the public, nonprofit, governmental, and business industries. In the Class of 2013, 45.63 percent of all students in each graduating class began their careers at law firms, 19.90 percent were employed in business and industry, 15.53 percent found jobs in government, and another 11.17 percent began their careers in public interest.

HOW ALUMNI CAN GET INVOLVED

Schedule an Outreach Meeting With Us: Our Career Development Assistant Dean Donna Davis, Director of Employer Outreach and Externships Mary Beth Moore, and Director of Outreach and Communications Michael McCarthy travel the country and meet with employers year-round.

Participate in On-Campus Fall and/or Spring Recruitment Programs: The fall program is the larger of the two events. In 2013, 195 employers attended. The 2014 spring program included 90 employers.

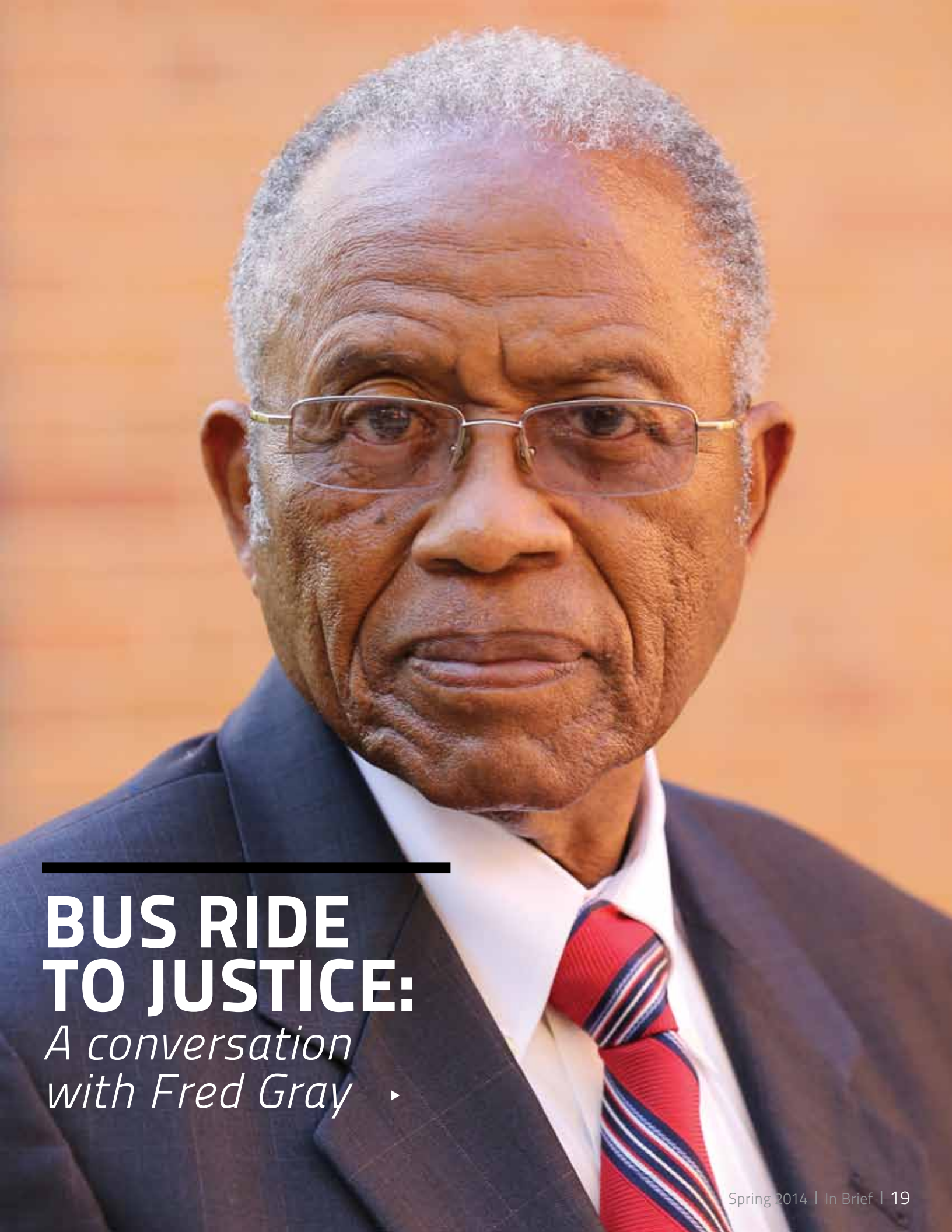
Post a Job: Postings are accepted year-round and uploaded to the electronic Symplicity System that is accessible by all current students and alumni. Requests may also be sent to lawjobpostings@case.edu.

Participate in an Off-Campus Job Fair: We sponsor job fairs in Boston, New York, Chicago, Washington, DC, and Los Angeles.

Serve as a Panelist at a Career Skills or Professional Development Workshop: We hold events throughout the academic year and are always looking for alumni to serve as guest speakers for our events and networking opportunities. ■



Law school alumni participate in professional development workshops and panels by discussing their career paths and share advice with students. Pictured are Colleen Koehler (LAW '03), Ross Brittain & Schonberg Co., L.P.A.; and Daniel Natalie, (LAW '02), Jennifer I. Peyton, Attorney at Law, LLC.



BUS RIDE TO JUSTICE:

*A conversation
with Fred Gray* ▶

He also had a leading role in many of the most important civil rights cases in Alabama for the last six decades.



Fred Gray (LAW '54) is a legendary civil rights lawyer and one of the law school's most distinguished graduates. He is still practicing law in Alabama and fighting for civil rights.

He represented Rosa Parks, Martin Luther King, Jr., the black ministers who were sued in *New York Times Co. v. Sullivan*, and the victims of the infamous Tuskegee syphilis experiment, among many others. He successfully argued *Gomillion v. Lightfoot*, the Tuskegee

gerrymandering case, and played an important part in several other landmark Supreme Court cases. He also had a leading role in many of the most important civil rights cases in Alabama for the last six decades.

In October, Gray paid a visit to his law school and Associate Dean Jonathan Entin interviewed him about his life experiences and the new edition of his memoir, *Bus Ride to Justice*. ■



Watch Fred Gray's full interview on our YouTube Channel: [CaseSchoolofLaw/videos](https://www.youtube.com/channel/UCa8W8W8W8W8W8W8W8W8W8W8)

Forward-Thinking Law School Campaign Update



We give special thanks to our alumni and friends who have made gifts and commitments which have propelled us to \$24.2 million toward our \$32 million campaign goal. These funds, which have been raised since the campaign went public in 2011, have benefitted our law school by supporting endowed chairs, faculty initiatives and student scholarships. Over \$8 million has come from support of our annual fund which allows us to offer competitive scholarships to recruit the best students possible. It is our hope to exceed our \$32 million campaign goal by the end of 2016, and we look forward to having all alumni join us in support of this historical goal.

Many alumni have chosen to support the campaign through planned gifts including bequests, gift annuities or gifts of insurance. More information about legacy giving can be found in our new website and newsletter:

Fred Weisman-ADL '48, LAW '51, has established a gift annuity which will support scholarships. Fred established a scholarship fund several years ago and will add to this fund through his gift annuity.

"We are honored by Fred's gift, which is an outstanding way to support our students and the law school's strong future," said JT Garabrant, Associate Dean of Development and Public Affairs.

For more information about supporting the law school campaign, please contact JT at 216-368-6352 or jtg5@case.edu.

Weisman establishes charitable gift annuity to support law scholarships

Law school alum Fred Weisman, B.A. '51, '54, has lived in Ohio his entire life—87 years. He selected Case Western Reserve University School of Law to establish a charitable gift annuity as a way to give back and support future law school students. His generous legacy gift will provide student scholarships for generations to come.

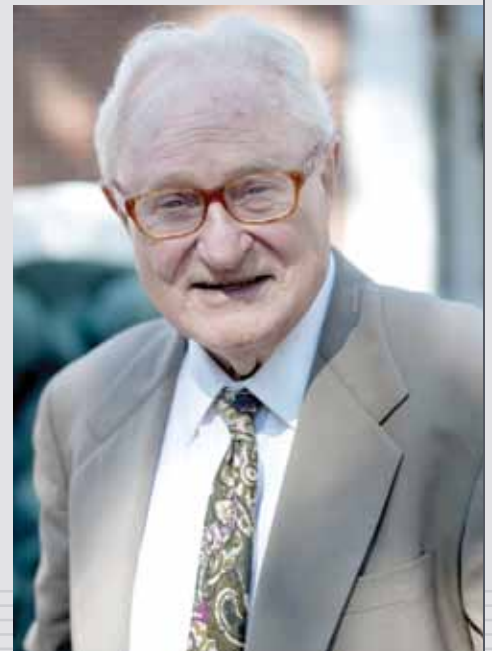
"I grew up under minimal financial circumstances," he explained. "My background, effort, and collegiate-professional training at Case Western Reserve University School of Law enabled me to be successful, both personally and financially."

A native of Cleveland, Weisman attended Case Western Reserve University for his undergraduate and legal education based on its excellent reputation and its hometown location. His first year there was preceded by his enlistment in the U.S. Navy in 1944, where he served in World War II.

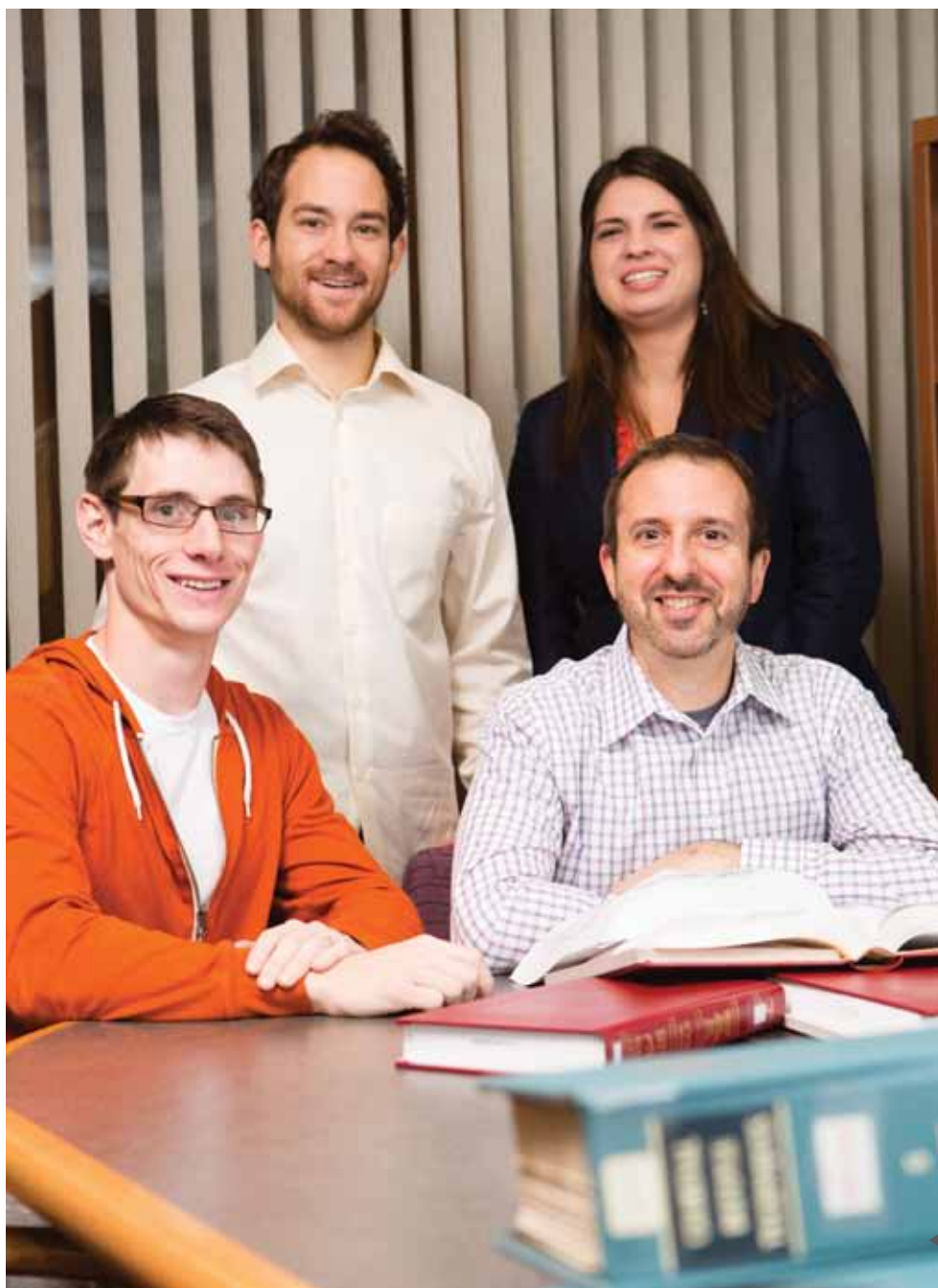
After law school graduation Weisman practiced law as a litigation attorney and has been named one of the Best Lawyers in America. "The study and practice of law gave me endless satisfaction," he noted with pride. In addition to his numerous professional accomplishments he served as past president of the Cuyahoga County Bar Association and Cleveland Academy of Trial Attorneys. He and his late wife, Lois Jane Weisman, have three children and nine grandchildren. Weisman also greatly enjoys jazz music and sports.

Establishing a gift annuity with Case Western Reserve University School of Law made perfect sense to Weisman. "A gift annuity provides income to the donor until death—it's an outstanding way to give," he said.

Significantly, Weisman pointed out that his gift helps ensure that other students have the same opportunities for success that he received. It's a smart investment in the future.



OHIO SUPREME COURT ACCEPTS APPEAL BROUGHT BY LAW SCHOOL STUDENTS



A LONG TIME COMING

THE LAW SCHOOL STUDENT TEAMS WHO WORKED ON THIS CASE

- 2009-10: **Carrie Tuttle Wells** and **Tim Spillman** were the first students to work on the case, interview the client and begin to digest the issues.
- 2010-11: **Jeremy Farrell** and **Amanda Shooks** filed the original lawsuit and worked on a lot of discovery, including depositions.
- 2011-12: **Joshua Lusk** and **Sarah Antonucci** were on the verge of a jury trial before one of the defendants filed for bankruptcy.
- 2012-13: **Ruchi Asher, Emily Grannis** and **Jim Thomas** worked on the appeal to the Eighth District.
- Present: **Yelena Grinberg, Patrick Haney** and **Joshuah Lisk** wrote the successful petition to the Ohio Supreme Court and the merit brief.

Patrick Haney (seated, left) with Andrew Pollis (seated, right), Joshuah Lisk (standing, left) and Yelena Grinberg (standing, right).

Three 3Ls from Case Western Reserve University's Milton A. Kramer Law Clinic are wrapped up in a rare opportunity to argue a case before the Ohio Supreme Court that impacts all pro bono cases across Ohio.

Yelena Grinberg, Patrick Haney and Joshua Lisk drafted a petition to the court in November, asking the court to take their client's case. In March, the court accepted their case for full briefing and oral argument. This marks the first time the law school clinic has had a case reach the state's highest court.

"It's extremely exciting. I don't know how else to put it," said Lisk, who found out during spring break.

Getting a case into the Supreme Court is an accomplishment that relatively few practicing attorneys achieve, said Andrew S. Pollis, assistant professor and the students' faculty supervisor in the Civil Litigation Clinic.

"For law students to accomplish this before they even graduate is, to say the least, remarkable," Pollis said.

The students submitted their merit brief this spring. The oral argument is likely to happen next fall—after the students' graduation—and a decision some months later.

But the clinic students say they want to stick with the case, if they can, even after graduation. Lisk will be working as an Assistant District Attorney in Manhattan and won't be able to participate in oral arguments. But Haney and Grinberg plan to take the Ohio bar and may continue to work on the case, if they are able.

Regardless of the outcome, all three students are fortunate to see the case get this far, and they are grateful for the experience. "I think it's a really great way to end our law school experience," said Grinberg, who plans to work as a first-year associate at Jones Day in Cleveland after graduation.

Grinberg, Haney and Lisk comprise the fifth team of student lawyers involved in the case. Four years ago, the clinic began representing the client in a home-repair dispute. The defendant failed to answer written discovery requests.

The issue before the Supreme Court is fairly straightforward. It involves the right to collect attorney fees—specifically, whether a judge can award fees to lawyers who serve pro bono when the opposition fails to meet its discovery obligations. The Kramer Law Clinic's case in Cuyahoga County Common Pleas Court resulted in an attorney-fee award of \$1,000.

The defendant appealed the trial-court ruling to the Ohio Court of Appeals for the Eighth District. Students Ruchi Asher, Emily Grannis and Jim Thomas, who all graduated last May, argued that appeal. A three-judge panel ruled 2-1 to overturn the trial court's fee award. The appellate court wrote that it reversed the award "reluctantly" but was constrained to follow a prior Ohio Supreme Court decision holding that lawyers cannot recover attorney fees when their clients are not actually obligated to pay them.

This year's team of students responded by filing a jurisdictional petition in the Ohio Supreme Court, asking the high court to accept the case for full briefing and oral argument, and to consider overruling the prior decision.

Not only did the students write the petition; they also secured supporting briefs from key sectors of the legal profession, including several private law firms, legal-services organizations, the plaintiffs' bar and the Ohio Attorney General. And, on March 12, the three students found out the majority of justices voted to accept it.

"The case could have a wide-ranging effect on legal representation in Ohio," Pollis said.

Haney noted that a ruling in their client's favor "would enhance low-income individuals' access to the legal system."

Now that the case is in the Supreme Court, it requires the students to work on the merit brief while juggling their other academic demands and preparing for graduation and the bar exam.

"That brief will give us an opportunity to do even more research and argue the case more extensively," Grinberg said. ■

"For law students to accomplish this before they even graduate is, to say the least, remarkable."

– Assistant Professor
Andrew S. Pollis

Law school recognizes organizations, individuals for their support during annual Alumni & Faculty Luncheon in November



2012-2013 LAW FIRM GIVING CHALLENGE

These awards for annual fund participation go to the firms with the highest participation from law school alumni at their firms.

Five-way tie for first place with five firms achieving 100% participation:

Weltman, Weinberg & Reis Co., LPA

Buckley King

Calfee, Halter & Griswold, LLP

Tucker Ellis, LLP

Hahn Loeser & Parks, LLP

Second place with 69% participation:

Roetzel & Andress

Third place with 56% participation:

Gallagher Sharp

The organizations raised \$494,631 – the most ever raised in the 14 years of the program. These awards were given to the top three firms that raised the most dollars.

First place, raising \$110,510:

Kohrman Jackson & Krantz

Second place, raising \$79,330:

BakerHostetler

Third place, raising \$55,800:

Ulmer & Berne

LAW FIRM LAW FIRM SCHOLARSHIP SUPPORT SUPPORT

The following organizations were recognized for their support of the scholarship program at the full or partial tuition level.

BakerHostetler and Ulmer & Berne:

Benefactor Level

Hahn Loeser & Parks and Tucker Ellis:

Fellow Level

McDonald Hopkins and Roetzel & Andress:

Partner Level

Squire Sanders:

Dean's Society Level





Michael Benza (LAW '92)

THE DISTINGUISHED RECENT GRADUATE AWARD

This award is given to a graduate who exceptionally fulfills one or more of these criteria: professional accomplishment, significant participation in professional activities, involvement in community activities, and involvement in law alumni affairs.

Ryan Bocskay, Class of 2005, entertainment lawyer



Ryan Bocskay (LAW '05)

THE DISTINGUISHED TEACHER AWARD

This award recognizes a commitment to education and the pursuit of knowledge, which has enriched the personal and professional lives of students.

Michael Benza, Class of 1992, senior instructor in law

CENTENNIAL MEDAL

The Law Alumni Association established the Centennial Medal to recognize exceptional meritorious achievement. It is intended to be the highest honor that the law school bestows on one of its graduates.

Stephen Ellis, Class of 1972, Partner, Tucker Ellis, LLP



Global chairman & CEO of EY to speak at commencement on May 18

Weinberger (LAW '87, MBA '87) honored with Distinguished Alumnus Award



Mark Weinberger (LAW '87, MBA '87) received the Distinguished Alumnus Award from the law school and Weatherhead School of Management on February 20th. He is pictured with Weatherhead Dean Robert E. Widing II (left) and law school Interim Dean Michael Scharf.

As global chairman and CEO of one of the largest professional services organizations in the world, Mark Weinberger's career path has been extraordinary since he earned his JD and MBA degrees from Case Western Reserve University in 1987.

He is global chairman & CEO of EY (formerly Ernst & Young), a leading global professional services organization that provides assurance, tax, transaction and advisory services. The company employs 175,000 people in more than 150 countries.

Weinberger will speak at commencement on May 18 at Severance Hall. He was honored with the Distinguished Alumnus Award from the law school and Weatherhead School of Management on February 20.

Weinberger credits his education with helping him succeed in his career journey to become leader of one of the world's largest professional services organizations. He's been a supporter of the law school's curriculum direction to increase experiential learning opportunities and add leadership training.

"Like the complex global business environment, legal education needs to evolve along the lines in this model. Leadership skills, experiential development and practical business knowledge are key components of a legal education," he said.

Weinberger began his career with EY in 1987 and has served in a variety of Americas and Global leadership positions for the organization including his most recent role as EY's Global Tax Leader from 2008 to 2012. He was appointed Global Chairman & CEO-elect in January 2012 and became Global Chairman & CEO on July 1 2013. He serves as Chair of the Global Executive, EY's highest level management body; the Global Practice Group; and the Global Public Policy Committee.

In addition to his time at EY, Weinberger has previously served as the Assistant Secretary of the United States

Department of the Treasury (Tax Policy) in the George W. Bush Administration. He was also appointed by President Clinton to serve on the U.S. Social Security Administration Advisory Board, which advises the President and Congress on all aspects of the Social Security system.

Weinberger has also held other US government positions including Chief of Staff of President Clinton's 1994 Bipartisan Commission on Entitlement and Tax Reform; Chief Tax and Budget Counsel to U.S. Senator John Danforth (R-Missouri); advisor to the National Commission on Economic Growth and Tax Reform; and Commissioner on the National Commission on Retirement Policy.

He was co-founder of Washington Counsel, P.C., a Washington DC-based law and legislative advisory firm that merged into EY and now operates as Washington Council EY.

Weinberger sits on the Board of Directors for Catalyst, The Tax Council, and the Bullis School in Potomac, Md. He is a member of the International Advisory Board of British American Business, a member of The International Integrated Reporting Council and on the Board of Trustees for The American Council for Capital Formation. He is also a member of the Washington DC-based Business Roundtable, and is a representative to the International Business Leaders Advisory Council (IBLAC).

He co-chairs the Russia Foreign Investment Advisory Council and plays an active role in the World Economic Forum (WEF) and its programs and is a member of WEF's International Business Council. Weinberger is a speaker at WEF and other international events, including the annual China Executive Leadership Programme (CELP) at Cambridge University in the UK. ■

Distinguished law graduate and international peacekeeper is Case Western Reserve University's 2014 commencement speaker

Distinguished Case Western Reserve University law alumnus Mohamed Ibn Chambas, joint chief mediator overseeing the Darfur peace negotiations for the African Union and United Nations, returns to his alma mater as the 2014 commencement speaker on Sunday, May 18.

Chambas, a renowned attorney, scholar and diplomat from Ghana, will offer lessons gleaned from decades of negotiating some of the world's most contentious and difficult issues. Chambas, 63, who earned a law degree from Case Western Reserve in 1984, was the international mediator who helped resolve the Liberian Civil War of the 1990s, and the Ivory Coast Civil War in the early 2000s.

During the commencement ceremony, Chambas also will receive an Honorary Doctor of Laws degree.

"We are proud to welcome Mohamed Ibn Chambas back to our campus for graduation exercises," President Barbara R. Snyder said. "His work exemplifies our mission of increasing knowledge and deepening understanding, and I am confident we all will learn a great deal from his remarks."

Chambas, who entered government in 1987 as Ghana's deputy foreign secretary, came into international prominence as mediator for the First Liberian Civil War, and later the Ivorian Civil War.

His long and distinguished career reflect a lifetime of service:

- In 2007, he was appointed the first president of the Economic Community of West African States (ECOWAS) by the governments of its member states, serving a four-year term.
- Two years later, Chambas was named secretary-general of the African, Caribbean and Pacific Group of States (ACP), a security and economic cooperation organization of 79 countries. In that role, he aided in the ACP's economic recovery and helped forge the organization's agreement to join the European Union in 2020.
- In 2013, Chambas was appointed joint special representative of the African Union to the United Nations Hybrid Operation in Darfur.

Chambas also is an accomplished academic. As Ghana's deputy minister of education from 1997 to 2000, he oversaw policies and accreditation for five universities and 10 polytechnic and agency and institutions.

In addition to his law degree, Chambas, who is married with five children, holds political science degrees from the University of Ghana (BA, 1973) and Cornell University (MA, 1977, and PhD, 1980). ■





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AFTER 46 YEARS, GABINET RETIRES – *sort of*

By Jonathan L. Entin
Associate Dean for Academic Affairs
David L. Brennan Professor of Law and Professor of Political Science



Leon Cabinet, the Coleman P. Burke Professor of Law, will formally retire on June 30, 2014, after 46 years on the faculty. Professor Cabinet is a beloved teacher who has taught a wide variety of tax courses to thousands of students during his career.

Born in Poland, Gabinet moved with his family to Chicago as a boy. After serving in the U.S. Navy during World War II, he received his bachelor's and law degrees from the University of Chicago, where he was an editor of the law review. His law school classmates included Robert Bork (who became a leading scholar of antitrust law but, we hear, used Gabinet's outline to get through their law school Antitrust course) and Marvin Chirelstein (another prominent tax professor). Between college and law school, Gabinet spent two years in medical school. Along the way he also found time to play Junior A hockey, where his defense partner was future Hall of Famer Harry Howell. Although he returned to school to complete his education, Gabinet continued to play recreational hockey for many years (including games with and against some of his students).

After law school, he clerked for a justice of the Oregon Supreme Court, worked at the Oregon Tax Commission, and practiced in Portland. He came to Case Western Reserve University in 1968. During his third year on the faculty he became acting dean of the law school when Louis Toepfer was elevated to the university presidency.

In addition to his teaching, Gabinet has published many works on tax issues, including *Tax Aspects of Marital Dissolution and Divorce*, a leading treatise that is now in its third edition. A productive scholar in his ninth decade, he not only continues to update his treatise but also has been doing pioneering work about the tax implications of same-sex marriage.

Gabinet was one of the first recipients of the Law Alumni Association's Distinguished Teacher Award, has roasted many new members of the Society of Benchers, and has provided wisdom and counsel to generations of students, alumni, staff, and colleagues. He was the first David L. Brennan Professor of Law and now holds the Coleman P. Burke professorship, a chair that was endowed in his honor by a former student.

Although Gabinet will be retiring, he intends to continue teaching one course annually. In fact, at the age of 87, he has decided to take up a new one, Insurance Law, which we have not been able to offer since Professor Wilbur Leatherberry ADL '65, LAW '68 retired two years ago. So, while Professor Gabinet will have emeritus status, we can't say that we'll miss him because he will remain a vital part of the law school. We hope it stays that way for years to come. ■

Faculty and staff attended Professor Leon Gabinet's official "final class" during the fall 2013 semester. They lined his classroom and clapped and cheered as he ended his final lesson.



Webster testifying
before the
Congressional-
Executive Commission
on China



ASSISTANT PROFESSOR WEBSTER TESTIFIES BEFORE CONGRESS ON CHINA'S COMPLIANCE WITH TRADE RULES

The World Trade Organization's Dispute Settlement Body has issued 10 rulings against China since the country became a member in 2001, a time when many political leaders doubted China would have the ability to comply with WTO rules in the first place.

In the beginning, China was swift to settle or revise its domestic laws and regulations to accord with WTO rulings. In more recent years, however, the world's most populous country has behaved more like a smart lawyer or football coach: deploying procedural rules to benefit itself.

Research on these rulings formed the centerpiece of Assistant Professor Timothy Webster's testimony before the Congressional-Executive Commission on China in January. In addition to summarizing China's track record, he offered suggestions

on how the U.S. may more effectively respond to China's implementation challenges.

"China understands the U.S. far better than the U.S. understands China. This systemic imbalance is troublesome, and my upcoming testimony will offer solutions to some of these problems," Webster said. "I'm looking forward to speaking before the Commission and sharing my research on China's compliance – or lack thereof – with international trade rules."

Webster's most recent article, on which this testimony is based, is forthcoming in the *Michigan Journal of International Law*. He concludes that China is a system maintainer, not a system challenger. As the country gains experience with WTO dispute settlement procedures, it has become increasingly savvy at using tactical manipulation to its benefit.

China has appealed unfavorable decisions, even when an appeal has no merit. This move is presumably to "buy time" before a decision becomes final. In other decisions, China has failed to make necessary changes within a negotiated period of time, and it has even left inconsistent regulations in place, thereby encouraging illegal behavior to continue.

There are multiple steps the U.S. can take in response to this behavior, Webster argues. The U.S. must specify what steps China must take to enforce individual decisions, monitor China's implementation efforts more assiduously, and better understand how China's legal system operates.

Webster's forthcoming article showcases his expertise in the fields of comparative and international law. He has presented his research in Mandarin, Japanese and English to audiences around the world.

Webster began his academic career at Yale Law School, teaching Chinese law and implementing legal reform projects with PRC officials, public interest lawyers, academics and judges. He has also taught at Berkeley, Cornell, Nanjing and National Taiwan Universities. He has published in many of this country's leading international law journals, including the *Columbia Journal of Transnational Law*, *University of Pennsylvania Journal of International Law*, *Michigan Journal of International Law* and *Vanderbilt Journal of Transnational Law*. He is Director of East Asian Legal Studies at Case Western Reserve University School of Law. ■



Webster (left) talking to Sen. Sherrod Brown, who chaired the hearing of the Congressional-Executive Commission on China

Faculty Briefs



JONATHAN H. ADLER

**Johan Verheij Memorial Professor of Law;
Director of the Center for Business Law and
Regulation**

PUBLICATIONS

"No Cost-Free Carbon Control," *NATIONAL REVIEW ONLINE*, Sept. 23, 2013.

"Learning How to Fish" (w/ Nathaniel Stewart), *REGULATION*, spring 2014.

"Eyes on a Climate Prize: Rewarding Energy Innovation to Achieve Climate Stabilization" was republished in *INTELLECTUAL PROPERTY, INNOVATION AND THE ENVIRONMENT* (Peter S. Menell & Sarah M. Tran eds. 2014).

Co-author of the new book, *A CONSPIRACY AGAINST OBAMACARE: THE VOLOKH CONSPIRACY AND THE HEALTH CARE CASE*, published by Palgrave in November.

Portions of *Eyes on a Climate Prize: Rewarding Energy Innovation to Achieve Climate Stabilization* was republished in *INTELLECTUAL PROPERTY, INNOVATION AND THE ENVIRONMENT* (Peter S. Menell & Sarah M. Tran eds. 2014).

PRESENTATIONS

Spoke on "Conservation without Regulation: Property Rights and Environmental Protection" before the student chapter of the Federalist Society at the University of Indiana (Bloomington) School of Law on Sept. 26.

Presented a paper on the evolution of Judge Robert Bork's perspective on commercial speech at Tenth Anniversary Symposium of the *Journal of Law, Economics, and Policy*, co-sponsored with the Law and Economics Center at George Mason University School of Law on Nov. 8.

Spoke on the *NLRB v. Noel Canning* case and the recess appointments clause before the student chapter of the Federalist Society at the Villanova University School of Law on Nov. 5.

Spoke on a panel on "Clean Air Act, Greenhouse Gasses, and Cooperative Federalism" at the

Second Annual Searle Center Conference on Federalism and Energy at Northwestern University on Nov. 14.

Spoke on a panel on "Executive Branch Gone Wild? 21st Century Checks and Balances" at the Annual Lawyers' Convention of the Federalist Society for Public Policy Studies in Washington, D.C. on Nov. 16.

Spoke on "Rethinking Environmental Regulation" before the student chapter of the Federalist Society at the University of Minnesota Law School on Nov. 20.

Debated Scott Strand, Executive Director of the Minnesota Center at the William Mitchell College of Law, in St. Paul, Minn. on Nov. 20.

Presented the paper "Compelled Commercial Speech and the Consumer Right to Know" at a faculty workshop at the University of Minnesota Law School on Nov. 21.

Moderated the panel "Marijuana and the States – How Should Federalism Principles Inform the Federal Government's Response to State Marijuana Initiatives?" at the National Press Club in Washington, D.C. on Dec. 3. The event was co-sponsored by the Federalist Society and the Center for Business Law and Regulation.

Presented the paper, "Climate Balkanization: Dormant Commerce and the Limits of State Energy Policy," at the Lone Mountain Forum on "Energy Policy: Political, Legal, and Economic Issues" in Big Sky, Montana on Dec. 6.

Spoke at a CLE program on "Catastrophic Threats to Public and Private Property in the USA" in Cleveland on Dec. 10.

Spoke at the "Affordable Care Act Town Hall" at the National Constitution Center in Philadelphia, PA on Jan. 21.

Spoke on "The Lawless Implementation of Obamacare" before the Cleveland Lawyers' Chapter of the Federalist Society on Jan. 30.

Spoke on the *NLRB v. Noel Canning* case being considered by the U.S. Supreme Court before the University of Michigan Law School chapter of the Federalist Society on Feb. 6.

Spoke on "The Illegal Implementation of Obamacare" before the Southeastern Republicans of Cuyahoga County in Solon, OH on Feb. 18.

Participated in a panel on "Shale Gas, Climate Change, and Ohio's Economic Opportunity,"

sponsored by the Energy & Enterprise Initiative and Center for Business Law and Regulation at the Case Western Reserve University School of Law on March 5.

Visited the University of Colorado at Boulder where he lectured to a class on market approaches to environmental protection and delivered a public lecture on "The Illegal Implementation of Obamacare" on March 11.

Participated in a panel on "The Implications of Obamacare" co-sponsored by the Illinois Policy Institute and the Chicago Lawyers' Chapter of the Federalist Society on March 20.

MEDIA

Participated in a podcast for the National Constitution Center, "Sorting Out the New Challenges to ObamaCare" on Dec. 5. The podcast was written in *The New Republic* the following day.

Adler's work on health care regulation was profiled in the Dec. 4 *Cleveland Plain Dealer* and in Dec. 2013, Adler was cited in numerous articles in *The Wall Street Journal*, *Washington Post*, *New York Times*, *USA Today*, and *The New Republic*, to name a few.

Became a regularly featured blogger for *The Washington Post* through a new partnership with The Volokh Conspiracy and washingtonpost.com beginning in January.

ACTIVITIES

Directed an interdisciplinary workshop on Federalism and Environmental Policy, sponsored by the Property & Environment Research Center and hosted by the Center for Business Law and Regulation at the Case Western Reserve University School of Law.

Directed a Liberty Fund conference on "Liberty, Property, and Pollution" in Miami, Florida, Feb. 27-Mar-1.

Participated in an amicus brief of administrative law professors in the case of *Chamber of Commerce v. EPA* in the U.S. Supreme Court.

Co-authored an amicus brief in the case of *Halbig v. Sebelius* and *King v. Sebelius* before the U.S. Courts of Appeals for the District of Columbia Circuit and Fourth Circuit, respectively.

Directed a Liberty Fund conference on "Liberty, Property, and Pollution" in Miami, Florida, Feb. 27-Mar-1.

Faculty Briefs

MICHAEL BENZA

Senior Instructor of Law

MEDIA

Quoted in a Sept. 30 story in *The Plain Dealer* story on the request to unseal Internet café plea.

Interviewed for a TV Channel 3 county corruption story "Investigator: Is key corruption figure snitching on others?" on Sept. 27.

Interviewed by Christian Science Monitor for an article on the Michigan stand your ground case on Nov. 15.

Interviewed about the passing of Nelson Mandela on Channels 5 and 8 and participated in a live spot on WHK in December.

Appeared on Ideastream on Jan. 24 to talk about the Dennis McGuire execution.

Quoted in a March 12 AP story about the Ohio Supreme Court juvenile life without parole decision.

JESSICA BERG

Interim Dean; Professor of Law, Bioethics & Public Health; Associate Director of The Law-Medicine Center

PUBLICATIONS

Co-authored with S. Corley, "Embryo Donation: Ethical Issues", in *Third Party Reproduction: A Comprehensive Guide* (Springer 2013)

"The Effect of Social Media on End-of-Life Decision Making," in *Death and Dying* (Oxford University Press, Forthcoming 2014)

"Capacity and Competence," in *Companion to Bioethics* (Routledge, Forthcoming 2014) (with K. Shaw)

PRESENTATIONS

"Consumerism and Self-Diagnosis" Indiana School of Law, March 2013.

ACTIVITIES

Appointed as Acting Dean of Case Western Reserve University School of Law in November 2013 and as Interim Dean in March 2014.

MEDIA

Quoted in "Smartphones posing new ethical challenges with clinical photography" in the December 2013 issue of *Medical Ethics Advisor*.

JAIME BOUVIER

Senior Instructor in Law

PUBLICATIONS

ZONING AND PLANNING LAW HANDBOOK, Patricia Salkin, ed., Thompson West (2013), reprinted *Illegal Fowl: A Survey of Municipal Laws Relating to Backyard Poultry and a Model Ordinance for Regulating City Chickens*, 42 Env. L. Rep. 10888-10920, Sep. 2012, as a chapter to draw attention to it as an important contribution to the field of zoning and planning law.

Regulating Chickens, Goats, and Bees, How Cities are Regulating Micro-Livestock, URBAN AGRICULTURE, ABA, forthcoming 2014.

Animals in the City, Urban Lawyer, forthcoming summer 2014.

Prejudice and Agriculture: Is urban farming progressive or a step back, Detroit-Mercy College of Law, forthcoming fall 2014.

PRESENTATIONS

Bringing Agriculture Back to Cities: Exploring the Cultural Perception of Farming as a Step Backwards, Going to Seed: Urban Agriculture for Distressed Cities, Detroit-Mercy College of Law Symposium, March 7-9.

JUSCELINO F. COLARES

Professor of Law, Associate Director of the Frederick K. Cox International Law Center

PUBLICATIONS

"Upholding U.S. Free Trade Advocacy Amid Controversy Over Natural Gas Exports," was published on BNA Insights and featured on *Bloomberg International Trade Reporter*, *WTO Reporter*, *Energy and Climate Report* and *Environment Reporter* in January 2014.

Colares and Kosta Ristovski, *Mapping the Structure of Climate Change-Related Litigation: Can Litigation Pressure Alter Major Emitters' Distaste for Federal Carbon Legislation?* (under peer review) (forthcoming 2014).

The Dynamics and Global Implications of Subglobal Carbon-Restricting Regimes, 24.2 Georgetown International Environmental Law Review __ (forthcoming 2013).

The Emerging Supply-Side Case for Global Carbon Restrictions, 19. __ U.C. Davis Journal of International Law & Policy __ (forthcoming 2013).

Paths to Carbon Stabilization: How Foreign Carbon-Restricting Reforms Will Affect US Industry, Climate Policy and the Prospects of a

Binding Emission Reduction Treaty, 47.2 Journal of World Trade 281 (spring 2013) (peer reviewed).

PRESENTATIONS

Colares and Kosta Ristovski, *Mapping the Structure of Climate Change-Related Litigation: Can Litigation Pressure Alter Major Emitters' Distaste for Federal Carbon Legislation*, paper selected for presentation at the American Association of Law Schools (AALS) Annual Meeting, Joint Tort & Compensation and Insurance Law Section, New York City (Jan. 4).

The EU/US Aviation Stalemate—Will Law or Politics Have the Last Say?, was accepted for presentation at the Joint Conference of the American (ASIL) and European (ESIL) Society of International Law's Interest Groups on International Environmental Law, hosted by the Graduate Institute of International and Development Studies, Geneva, Switzerland (22-23 Nov.).

Delivered the keynote address, titled *The Supply-Side Case for Global Carbon Pricing Reform*, at the Peace of Utrecht Conference on International Law and Climate Change, hosted by Universiteit Utrecht, the Netherlands (Oct. 10).

The Limits of WTO Adjudication: Is Compliance the Problem? A 2013 Update, University of Arizona (Sept. 26).

Climate Change-Related Litigation: Signal or Noise?, University of Tennessee College of Law (Sept. 20).

On the Allocation of Talent Across Societies: Some Implications for Piracy Preemption, the American Branch of the International Law Association, End Game! An International Conference on Combating Maritime Piracy, hosted by Case Western Reserve University School of Law (Sept. 6).

ACTIVITIES

Appointed by the Office of the United States Trade Representative (USTR) to serve on the 2013-2014 United States Roster of NAFTA Panelists.

Selected to serve on the American Bar Association (ABA), Section of Environment, Energy and Resources' Membership Diversity Enhancement Program (MDEP).

MEDIA

Participated in NPR's Sound of Ideas discussion on the "Twenty Years of NAFTA"

GIANNELLI APPOINTED TO NEW COMMISSION ON FORENSIC SCIENCE



Paul Giannelli, a renowned expert in scientific evidence, was appointed to the first National Commission on Forensic Science by the U.S. Department of Justice and the U.S. Department of Commerce's National Institute of Standards and Technology.

Giannelli will work with the 29 other members of the new commission to improve the practice of forensic science by developing guidance concerning the intersections between forensic science and the criminal justice system. The commission also will develop policy recommendations for the U.S. Attorney General, including uniform codes for professional responsibility and requirements for formal training and certification.

"This is a great opportunity to improve forensic science, which plays an important part in prosecuting the guilty and exonerating the innocent. It's a great opportunity to serve the criminal justice system," Giannelli said. "This is the first such commission appointed by the U.S. Attorney general. There had been a national report on forensic science in 2009 that recommended that a federal entity be appointed to oversee forensic science, and this a result of that recommendation."

The National Research Council report *Strengthening Forensic Science in the United States: A Path Forward* (The National Academies Press, 2009) may be found on the National Academies Press website.

The Albert J. Weatherhead III and Richard W. Weatherhead Professor and Distinguished University Professor, Giannelli is an expert in criminal procedure. He has co-authored 10 books and written more than 200 published papers. He has been cited in nearly 700 judicial opinions throughout the country, including seven decisions by the U.S. Supreme Court.

"I appreciate the commitment each of the commissioners has made and look forward to working with them to strengthen the validity and reliability of the forensic sciences and enhance quality assurance and quality control," said Deputy Attorney General Cole. "Scientifically valid and accurate forensic analysis supports all aspects of our justice system."

The commission includes federal, state and local forensic science service providers; research scientists and academics; law enforcement officials; prosecutors, defense attorneys and judges; and other stakeholders from across the country. This breadth of experience and expertise reflects the many different entities that contribute to forensic science practice in the U.S. and will ensure these broad perspectives are represented on the commission and in its work. Commissioners were chosen from a pool of more than 300 candidates. ■

Faculty Briefs

on Nov. 22, 2013. Colares appeared with Alan Berube, senior fellow and deputy director at the Brookings Institution Metropolitan Policy Program, and Harriet Applegate, executive secretary of the Northshore AFL-CIO.

Quoted in a January story in Law 360, titled "NAFTA Partners Unlikely to Get US Invite to EU Trade Talks."

AVIDAN Y. COVER

**Assistant Professor; Associate Director,
Institute for Global Security Law and Policy**

MEDIA

Participated as a guest on *The Sound of Ideas*, WCPN, to discuss issues of technology and privacy on Sept. 3.

GEORGE W. DENT

Professor of Law

PUBLICATIONS

"To Promote Marriage and the Natural Family" was published in 3 International Journal of the Jurisprudence of the Family 237.

"Toward Improved Intellectual Diversity in Law Schools" was published in 37 Harvard Journal of Law & Public Policy 165.

Horatio Alger with Affirmative Action (a review of My Beloved World by Supreme Court Justice Sonia Sotomayor) was published in 26 Academic Questions 229.

"Why Legalized Insider Trading Would Be a Disaster" was published in 38 Delaware Journal of Corporate Law 247.

"Corporate Governance Without Shareholders: A Cautionary Lesson from Non-Profit Organizations," will be published in the Delaware Journal of Corporate Law.

PRESENTATIONS

Gave a talk at Brigham Young Law School entitled "Same-Sex Marriage and the Twilight of Religious Freedom" on March 6.

JONATHAN L. ENTIN

Associate Dean for Academic Affairs, David L. Brennan Professor of Law, and Professor of Political Science

PUBLICATIONS

City Governments and Predatory Lending Revisited, 40 FORDHAM URBAN LAW JOURNAL CITY SQUARE 108 (2014)

Introduction to Symposium on "The Supreme Court's Treatment of Same-Sex Marriage in *United States v. Windsor and Hollingsworth v. Perry*: Analysis and Implications," 64 CASE WESTERN RESERVE LAW REVIEW (in press)

Edward A. Mearns, Jr.: In Memoriam, 64 CASE WESTERN RESERVE LAW REVIEW (in press)

Tribute to Professor Calvin William Sharpe, 64 CASE WESTERN RESERVE LAW REVIEW 4 (2013)

Introduction to Symposium on "The Law and Policy of Hydraulic Fracturing: Addressing the Issues of the Natural Gas Boom," 63 CASE WESTERN RESERVE LAW REVIEW 965 (2013)

PRESENTATIONS

"Same-Sex Marriage: Is the Law Running to Catch Up with Events?," Siegal Lifelong Learning Program, April 6

"The Supreme Court and Civil Rights," Park Synagogue, March 18

Panelist, "Voting Rights after *Shelby County v. Holder*," CWRU School of Law, Nov. 6

Speaker, "Stand Your Ground Laws," Central State University, Sept. 17

Introducer and Moderator, Doris Kearns Goodwin lecture, Town Hall of Cleveland, Sept. 16

MEDIA

April 7, WCPN, "The Sound of Ideas," hour-long program on a federal district court ruling that requires Ohio to recognize same-sex marriages that were lawfully entered into in other jurisdictions

Feb. 27, Ohio Public Radio, story about a pending Ohio Supreme Court case dealing with local authority to regulate fracking (aired on several stations around the state, including WCPN in Cleveland and WKSU in Kent)

Jan. 27, WCPN, "The Sound of Ideas," hour-long program on federalism issues raised by the legalization of marijuana possession in Colorado

Jan. 16, *Newsweek* article about Texas abortion regulations

Jan. 14, *Capital New Service* article on Maryland legislature's vote to rescind its ratification of the so-called Corwin Amendment, an 1861 proposed constitutional amendment that would have preserved slavery

Dec. 16, WTAM story about a legal challenge to the NSA surveillance program

Sept. 19, WCPN, "The Sound of Ideas," hour-long program on home rule and the regulation of firearms

LEON GABINET

Coleman P. Burke Professor of Law

PUBLICATION

Update of his article published in Volume 30 of the Journal of Taxation of Investments has been published in Volume 31, Fall 2013 issue of the journal under the title "Taxation of Same-Sex Married couples after *Windsor and Hollingsworth*."

MEDIA

Quoted in an *Akron Beacon Journal* article on the University Park Alliance's legal troubles on Oct. 2, 2013.

PETER M. GERHART

Professor of Law

PUBLICATIONS

His book, *Property Law and Social Morality*, was published by Cambridge University Press.

The Tragedy of TRIPS (2007) was republished in a book that collects significant articles in international trade law, *The Regulation of Services and Intellectual Property*. This is part of Ashgate Publishing's series on The Library of Essays on International Trade Law and Policy.

"The Sales Convention in Courts: Uniformity, Adaptability, and Adoptability" was cited by a former LLM student Yusuf Caliskan in his book on Conflicts of Laws and the International Sale of Goods.

PRESENTATIONS

Presented the paper that he wrote with Professor Kostitsky entitled *Efficient Contextualism* at the 9th International Conference on Contracts in February.

PAUL GIANNELLI

Albert J. Weatherhead III and Richard W. Weatherhead Professor, Distinguished University Professor

PUBLICATIONS

Junk Science and the Execution of an Innocent Man, 7 NYU J. Law & Liberty 221 (2013).

Understanding Evidence (Lexis Co. 4th ed. 2013).

Ohio Juvenile Law (West Co. 2013) (with Salvador).

Ohio Evidence Handbook (West Co. 2013).

Ohio Criminal Laws and Rules (West Co. 2013) (with Katz).

Faculty Briefs

2013 Supplement, Scientific Evidence (Lexis Co. 5th ed. 2012) (with Imwinkelried, Roth & Moriarty (2 volumes).

Courtroom Criminal Evidence (Lexis Co. 5th ed. 2011) (with Imwinkelried et al.)

2013 Supplement, Baldwin's Ohio Practice, Evidence (West Co. 3d ed. 2010) (2 volumes).

"Ballistics" Redux, 28 Criminal Justice 47 (Summer 2013).

Government Interference, 27 Criminal Justice 40 (Winter 2013).

PRESENTATIONS

Junk Science and the Execution of an Innocent Man, 7 N.Y.U. J. L. & Liberty 221 (2013).

Regulating DNA Laboratories: The New Gold Standard, __ N.Y.U Annual Survey of American Law __ (2014).

Understanding Evidence: Federal and California Rules (at press).

Evidence: Cases and Materials (West Co. 8th ed. 2014) (with Broun & Mosteller).

Teacher's Manual for Evidence: Cases and Materials (West Co. 8th ed. 2014) (with Broun & Mosteller).

Questions & Answers: Evidence (3d ed. 2013) (with Leonard).

2013 Supplement, Scientific Evidence (Lexis Co. 5th ed. 2012) (with Imwinkelried, Roth & Moriarty (2 volumes).

Courtroom Criminal Evidence (Lexis Co. 5th ed. 2011) (with Imwinkelried et al.)

2013 Supplement, Baldwin's Ohio Practice, Evidence (West Co. 3d ed. 2010) (2 volumes).

Judicial Declaration of Expertise, 28 Criminal Justice 68 (Fall 2013).

ACTIVITIES

Appointed to the National Commission on Forensic Science by the U.S. Department of Justice and the U.S. Department of Commerce's National Institute of Standards and Technology in January.

JONATHAN GORDON

Professor of Lawyering Skills

ACTIVITIES

Honored by Provost Bud Baeslack for his "hard work and commitment that . . . helped to make the Provost Scholars initiative, a partnership

between Case Western Reserve University (case) and the East Cleveland City Schools, a reality and a success."

JESSIE HILL

Associate Dean for Faculty Development and Research, Professor of Law

PUBLICATIONS

"Anatomy of the Reasonable Observer," 79 *Brooklyn Law Review* ____ (forthcoming 2014).

PRESENTATIONS

"Gun Control and Its Limits: The Role of the 2nd Amendment," Church of the Covenant, Cleveland Ohio (Sept. 15).

"Change and Dissent in Religious Organizations," Conference: The New Religious Institutionalism, DePaul University College of Law (Sept. 26-27). This paper will be included in an edited volume of essays.

ACTIVITIES

"*Town of Greece v. Galloway*: What is the Supreme Court up to?," Scotusblog legislative prayer symposium (Sept. 30) (www.scotusblog.com).

Town of Greece v. Galloway: What Is the Supreme Court Up To? (invited contribution to Scotusblog online symposium) (Sept. 30) , available at <http://www.scotusblog.com/2013/09/town-of-greece-v-galloway-what-is-the-supreme-court-up-to/>

Panelist, Discussion on voting rights after *Shelby County v. Holder*, sponsored by CWRU Law School BLSA Chapter (Nov. 6)

Moderator, Panel on Sheryl Sandberg's *Lean In*, Ohio State Women's Bar Association State-Wide Giving Back Event (Nov. 7)

Panelist, Roundtable discussion on reproductive rights in Ohio, sponsored by the American Constitution Society-Columbus, Ohio Lawyers' Chapter (Nov. 15)

Panelist, Discussion on *Preterm v. Kasich*, sponsored by the Cuyahoga County Democratic Women's Caucus (Nov. 19)

MEDIA

Interviewed on the Takeaway, a national radio program produced by WNYC and PRI, in collaboration with the *New York Times*, on "Law, Medicine, and Regulation: A Tricky Balancing Act" on Nov. 22.

Wrote a contribution for SCOTUSblog, "Symposium: The contraceptives coverage

controversy – what's old is new again," published on Feb. 21.

SHARONA HOFFMAN

Edgar A. Hahn Professor of Jurisprudence, Professor of Bioethics and Co-Director of The Law-Medicine Center

PUBLICATIONS:

"The Use and Misuse of Biomedical Data: Is Bigger Really Better?" *American Journal of Law & Medicine*, 39 (2013): 497-538 (with Andy Podgurski).

PRESENTATIONS:

Moderated a roundtable about electronic health records and their impact on medical malpractice claims for Physician's Money Digest, Nov. 21.

"The Use and Misuse of Biomedical Data: Is Bigger Really Better?" Talk given at following venues: Emory University School of Law, Atlanta, GA, Feb. 19; Emory University Center for Ethics, Atlanta, GA, March 27; University of Georgia, Athens, GA, March 28.

"Big Data, Public Health Law, and Ethics," Centers for Disease Control and Prevention, Atlanta, GA, Feb. 21.

MEDIA

Quoted in "Salespeople in operating room pose risks, require vetting and guidelines," in the December issue of "Same-Day Surgery."

Wrote short piece for "Other Perspectives in Health Care Law," *Crain's Business News*, Feb. 2. Discussed the challenges of regulating health information technology.

ACTIVITIES

On sabbatical in Atlanta, Georgia during the spring semester 2014. Serving as a Visiting Scholar at Emory University School of Law and as Distinguished Visiting Scholar for the Centers for Disease Control and Prevention.

ERIK M. JENSEN

Schott-Van Den Eynden Professor of Law

PUBLICATIONS

"Did the Sixteenth Amendment Ever Matter? Does It Matter Today?," 108 *Northwestern University Law Review* __ (2014) (forthcoming)

"The Tiley Trilogy and U.S. Anti-avoidance Law" accepted for publication in a special issue of the *eJournal of Tax Research*, a peer-reviewed journal edited at the University of New South Wales.

Faculty Briefs

"A Question Important to Investors (Whether They Realize It or Not): Is Realization a Constitutional Requirement for Income Taxation?", *Journal of Taxation of Investments*, Fall 2013, at 19

"Short Takes: Recent Developments of Interest," *Journal of Taxation of Investments*, Fall 2013, at 75; Winter 2014, at 75; Spring 2014, at 53

"Back to the Future with Rescission Decisions: Impact of IRS Decision to Issue No New Guidance," *Journal of Taxation of Investments*, Winter 2014 (forthcoming)

PRESENTATIONS:

In April 2013 he presented a paper at a symposium on "100 Years Under the Income Tax" at the Northwestern University School of Law, a paper that will appear in the *Northwestern University Law Review*.

DAVID KOCAN

Managing Director, Canada-U.S. Law Institute; Visiting Assistant Professor

PRESENTATIONS

Presented on U.S.-Canadian Shiprider Operations at conference entitled "Canada-US Defense Relations: A Partnership for the 21st Century" on March 5 at Carleton University in Ottawa, Ontario.

JULIET P. KOSTRITSKY

Everett D. & Eugenia S. McCurdy Professor of Contract Law

PRESENTATIONS

Inaugurated a new lecture series honoring John Kidwell, a renowned contracts scholar at the University of Wisconsin, by presenting a paper called: "What Lawyers Say Determines Choice of Law in Merger Agreements" on Feb. 28. This article has been accepted for presentation at the annual meeting of the American Law and Economics Association at the University of Chicago on May 8-9, 2014.

JUDITH LIPTON

Professor of Law, Interim Associate Dean of Experiential Education

ACTIVITIES

Appointed as Associate Dean of Experiential Education at Case Western Reserve University School of Law in January 2014.

MAXWELL MEHLMAN

Arthur E. Petersilge Professor of Law and Professor of Bioethics; Co-Director of The Law-Medicine Center

PUBLICATIONS

Enhanced Warfighters: A Policy Framework (with Patrick Lin and Keith Abney) in *Military Medical Ethics for the 21st Century* (M. Gross and D. Carrick eds. Surrey, UK; Ashgate Publishing Ltd. 2013).

PRESENTATIONS

Why Performance Enhancing Drugs Should be Legal in Sport, Oct. 25, CWRU Public Affairs Discussion Group.

Delivered the McDonald Merrill Ketcham Award Lecture. He also made a presentation, "Are Physicians Fiduciaries for Their Patients?" to medical students at the Indiana University School of Medicine and a Grand Rounds for IU physicians on Feb. 21.

MEDIA

Served as an expert in a video production on Med Page Today about tort reform in March 2014.

ACTIVITIES

Awarded the McDonald Merrill Ketcham Award at the Indiana University Robert H. McKinney School of Law on February 20, 2014.

KEVIN C. McMUNIGAL

Judge Ben C. Green Professor

MEDIA

Quoted in an AP story about a judge backing evidence destruction in an Ohio rape case in Feb. 2014.

KATHRYN MERCER

Professor of Lawyering Skills

PRESENTATIONS

"Enhancing the First Year with Emotional Intelligence and Leadership Skills" at the One-Day Legal Writing Conference held at the University of Michigan School of Law, in Ann Arbor, Michigan on Dec. 6.

YURI R. LINETSKY

Senior Instructor in Law

PRESENTATION

Presented at the Supreme Court of Ohio Judicial College program entitled: "Business Entities: Life in the Trenches in Municipal and Common Pleas Courts" on Feb. 21.

AARON PERZANOWSKI

Associate Professor of Law

PUBLICATIONS

"Reconciling Intellectual and Personal Property" is being published by the Notre Dame Law Review:

PRESENTATIONS

Presented "Reconciling Intellectual and Personal Property" at Santa Clara University School of Law on Feb. 8 and Indiana University Robert H. McKinney School of Law on Jan. 28.

Presented Intellectual Property Norms in the Tattoo Industry at the University of Idaho College of Law on March 10.

MEDIA

Featured in a Law360 story about net neutrality regulations on Feb. 4.

Quoted in a *Plain Dealer* editorial on the Comcast-Time Warner merger on Feb. 26.

ANDREW S. POLLIS

Assistant Professor of Law

PUBLICATIONS

The Death of Inference, 55 Boston College Law Review 435 (2014). OHIO APPELLATE PRACTICE (Baldwin's Ohio Handbook Series, 2013-14 ed.) (co-authored with Mark P. Painter)

PRESENTATIONS

"The Death of Inference," Sixth Annual Junior Faculty Federal Courts Workshop, Brooklyn Law School (Oct. 2013)

"The Death of Inference," University of Kansas School of Law, Lawrence KS, Junior Faculty Exchange (Feb. 2014)

ACTIVITIES

Supervised students in successful petition to Ohio Supreme Court in *Wilkins v. Sha'te Incorporated* (see page 21).

CASSANDRA BURKE ROBERTSON

Professor of Law

PUBLICATIONS

Private Ordering in the Market for Professional Services, 94 *B.U. L. Rev.* 179 (2014)

Regulating Electronic Legal Support across State and National Boundaries, 47 *Akron L. Rev.* 37 (2014) (symposium issue).

MEDIA

Robertson's work on transnational legal practice was featured in a front page article in

LAW SCHOOL APPOINTS DEAN OF EXPERIENTIAL EDUCATION



Professor Judy Lipton was appointed in January as the law school's associate dean of experiential education, a position crucial to efforts to enhance and expand already extensive direct learning opportunities.

A faculty member since 1980, Lipton has served as co-director of the law school's Milton A. Kramer Law Clinic Center for the past 16 years.

"Judy Lipton's experience and enthusiasm for clinical education make her a perfect fit for the role of associate dean of experiential education," Interim Deans Jessica Berg and Michael Scharf said. "Our clinic has thrived under her leadership, and she will be instrumental in continuing to grow our success."

Lipton teaches in the criminal justice clinic and previously taught in the school's health law and family law clinics. One of the most significant cases her students pursued involved Raymond Montgomery, imprisoned for murder from 1985 until his death in 2010. For years, Montgomery sought DNA testing to prove his innocence; Lipton's students successfully argued that Montgomery's family still had the right to seek his exoneration after his death, marking the first time that a state court allowed posthumous such efforts on behalf of a deceased inmate.

Before Lipton joined the law school, she practiced as a social worker and attorney for the Legal Aid Society of Hartford, Connecticut. Once on campus, she helped establish the university's JD/MSSA dual degree program. Lipton's work focuses on interdisciplinary strategies for representation of criminal defendants, with additional emphasis on family violence involving immigrant victims.

As associate dean, Lipton will oversee all of the school's experiential learning programs, including clinics, labs, and externships. In addition, the law school's new curriculum calls for all students to interact with clients in their first semester. Lipton will play a pivotal role in coordinating that initiative as well as the curriculum's other new major experiential requirement: a full-time full semester in practice.

"I'm honored to be appointed as associate dean for experiential education and I will do everything I can to help grow our academic achievements in this area," Lipton said. "We are proud of the skills curriculum that we developed and will build on that required training in research, writing, interviewing, counseling, decision-making and advocacy. We are committed to increasing the quality and amount of direct learning opportunities for our students, providing every student with a faculty-supervised semester in practice." ■

Faculty Briefs

The Economic Times, "Middle Class Americans Reach Out to Lawyers in India via Internet for Legal Aid" in October 2013.

Quoted in "Chevron Wins Ruling Ecuador Judgment Was Devil's Deal" in Bloomberg on March 5.

MATTHEW ROSSMAN

Professor of Law; Co-Director of the Milton A. Kramer Law Clinic Center

Interviewed for an *Akron Beacon Journal* article in October on the University Park Alliance's legal troubles

MICHAEL P. SCHARF

Interim Dean and Director of the Frederick K. Cox International Law Center, John Deaver Drinko - Baker and Hostetler Professor of Law

PUBLICATIONS

Scharf's chapter, "Forced Marriage as a Separate Crime Against Humanity," was published in *The Sierra Leone Special Court and its Legacy: The Impact for Africa and International Law* 193-215 (Cambridge University Press, Charles Jalloh, ed., 2014).

Scharf's book, "Enemy of the State," was reprinted as a Special Edition for the Notable Trials Library with a new introduction by Alan M. Dershowitz, 2014.

ACTIVITIES

Appointed as Acting Dean of Case Western Reserve University School of Law in November 2013 and as Interim Dean in March 2014.

MEDIA

Quoted in a September AP article "Experts push for Syrian war crimes court."

Gave a talk at the Cleveland City Club about his new book, "Customary International Law in Times of Fundamental Change," which was broadcast nationally on C-SPAN Book TV on Dec. 21 and 30.

The Jan. 31 broadcast of his "Talking Foreign Policy" radio program discussed cyber-warfare.

BERNARD SHARFMAN

Visiting Assistant Professor of Law

PUBLICATIONS

Placed his recent article, "Shareholder Activism as a Corrective Mechanism in Corporate

Governance," with the Brigham Young University Law Review.

PRESENTATIONS

Presented the paper he co-authored with Paul Rose, "Shareholder Activism as a Corrective Mechanism in Corporate Governance," at the Weinberg Center's Annual Corporate Governance Symposium (University of Delaware) on March 19. This was one of four out of 60 papers selected for presentation.

MEDIA

Discussed the value of shareholder activism in a post on Columbia Law School's Blue Sky blog, "Finding Value in Shareholder Activism."

Discussed his forthcoming article (placed with the Florida Law Review) in a post on Columbia Law School's Blue Sky blog, "Shareholder Wealth Maximization and its Implementation under Corporate Law."

ROBERT STRASSFELD

Professor of Law

PUBLICATIONS:

"Tribute to Professor Calvin William Sharpe," 64 CWRU L. Rev. 1, 10 (2013).

Understanding Labor Law (LexisNexis 4th ed. 2014) (with Douglas E. Ray & Calvin William Sharpe) (forthcoming spring 2014).

ACTIVITIES

Selected by the Baker Nord Center for the Humanities to be a member of its spring 2014 seminar on the theme of Interpreting Capitalism.

MEDIA

Quoted in Stephen Koff's article "Obama Appointees and a Cleveland TV Station: The Strange Tale of Union Dues," Cleveland Plain Dealer, Feb. 7.

TIMOTHY WEBSTER

Assistant Professor of Law; Director, East Asian Legal Studies

PUBLICATIONS

"Paper Compliance: How China Implements WTO Decisions" recently appeared in the Michigan Journal of International Law.

PRESENTATIONS

He was an invited witness at the Congressional-Executive Commission on China hearing, titled "*China's Compliance with the*

World Trade Organization and International Trade Rules," on Jan. 15.

Gave Faculty Workshops at Washington University of St. Louis, St. Louis University, Fudan University (Shanghai), Southwest University of Political Science and Law (Chongqing), Chinese University of Hong Kong, City University of Hong Kong, University of Tulsa, University of Arkansas-Fayetteville, and University of Arkansas-Little Rock.

Accompanied Interim Dean Scharf on a trip to China, visiting five partner schools in three cities. Hosted receptions for dozens of alumni, and spoke to hundreds of prospective students.

RUQAIYAH YEARBY

Professor of Law, Associate Director of the Law-Medicine Center

PUBLICATIONS:

Striving for Equality, But Settling for the Status Quo in Health Care: Is Title VI More Illusory Than Real?, 59 *Rutgers L. Rev.* 429-496 (2007) (cited in Law Review Commentaries in 42 U.S.C.A. § 2000d-Title VI of the Civil Rights Act of 1964).

African Americans Can't Win, Break Even, or Get Out of the System: The Persistence of Unequal Treatment in Nursing Home Care, 82 *Temple L. Rev.* 1177-1203 (2010) (cited in American Law Reports § 5:4 Race—Discriminatory application of law).

PRESENTATIONS

Association of American Law Schools, New York, NY

Invited Speaker, Jan. 3, "When is a Change Going To Come?: Separate and Unequal Health Care Fifty Years After Title VI of the Civil Rights Act of 1964" Case Western Reserve University, School of Medicine, Cleveland, OH

Invited Speaker, Sept. 10, "Health Care Reform: An Opportunity to Move Past Race to Realize the Benefit of Personalized Medicine" Case Western Reserve University, School of Law, Cleveland, OH

ALUMNI CLASS NOTES

Class of 1959*

Harold E. Friedman – of Ulmer & Berne LLP, was selected for inclusion in *The Best Lawyers in America®* for 2014.

Class of 1964*

Richard A. Rosner – of Taft, Stettinius & Hollister LLP, was selected for inclusion in *The Best Lawyers in America®* for 2014.

Class of 1966

Leon A. Weiss – of Reminger Co., LPA, was selected for inclusion in *The Best Lawyers in America®* for 2014.

Class of 1968

Charles R. Oestreicher – of Verril Dana LLP, was recognized in *Chambers USA: America's Leading Lawyers for Business* under real estate for 2013. He was also selected for inclusion in *The Best Lawyers in America®* for 2014 and included in the 2013 edition of *New England Super Lawyers and Rising Stars®*.

Class of 1969*

Stephen M. O'Bryan – of Taft, Stettinius & Hollister LLP, was selected for inclusion in *The Best Lawyers in America®* for 2014. He was also selected for inclusion in *Ohio Super Lawyers®* 2014.

Class of 1972

Stephen C. Ellis – of Tucker Ellis LLP, was selected for inclusion in *The Best Lawyers in America®* for 2014.

Class of 1973

Alan P. Baden – previously of Vinson & Elkins, has joined Thompson & Knight LLP as a partner in the Corporate and Securities Practice Group of the firm's Houston office.

James B. Irwin – of Irwin Fritchie Urquhart & Moore LLC, was selected for inclusion in *The Best Lawyers in America®* for 2014.

David E. Schreiner – of Fisher & Phillips LLP, was selected for inclusion in *The Best Lawyers in America®* for 2014.

Gregory P. Szuter – self employed, was elected to membership in the National Academy of Arbitrators in 2013.

Class of 1974*

Julie P. Dubick – was named CEO of Balboa Celebration Inc., a San Diego Company. She is the former chief-of-staff to the mayor of San Diego.

Ronald S. Kahn – of Ulmer & Berne LLP, was selected for inclusion in *The Best Lawyers in America®* for 2014.

Mark D. Katz – of Ulmer & Berne LLP, was selected for inclusion in *The Best Lawyers in America®* for 2014.

Kip Reader – of Ulmer & Berne LLP, was selected for inclusion in *The Best Lawyers in America®* for 2014.

David A. Schaefer – of McCarthy, Lebit, Crystal & Liffman, was selected for inclusion in *The Best Lawyers in America®* for 2014.

Class of 1975

Howard Bregman – has joined Fox Rothschild LLP as a partner.

Donald S. Scherzer – of Roetzel & Andress, was selected for inclusion in *The Best Lawyers in America®* for 2014. He was also selected for inclusion in *Ohio Super Lawyers®* 2014.

Class of 1976

Charles H. Gano – of Plunkett & Cooney, was appointed by Gov. Rick Snyder to the Michigan Ski Area Safety Board. He was also selected for inclusion in *The Best Lawyers in America®* for 2014.

Class of 1977

Michael F. Harris – of Tucker Ellis LLP, was selected for inclusion in *The Best Lawyers in America®* for 2014.

John C. Fairweather – of Brouse McDowell, was selected for inclusion in the 2014 edition of *Super Lawyers®*.

Frances Floriano Goins – of Ulmer & Berne LLP, was selected for inclusion in *The Best Lawyers in America®* for 2014.

Thomas J. Lee – of Taft, Stettinius & Hollister LLP, was selected for inclusion in *The Best Lawyers in America®* for 2014. He was also selected for inclusion in *Ohio Super Lawyers®* 2014.

Christopher C. McCracken – of Ulmer & Berne LLP, was selected for inclusion in *The Best Lawyers in America®* for 2014.

Class of 1978

Henry E. Billingsley – of Tucker Ellis LLP, was selected for inclusion in *The Best Lawyers in America®* for 2014.

Richard G. Hardy – of Ulmer & Berne LLP, was selected for inclusion in *The Best Lawyers in America®* for 2014.

Stephen M. Harnik – of Harnik & Finkelstein LLP, was awarded the Volunteer Community Service Award from the Austrian-American Council, North America for his longtime efforts to foster goodwill between the two nations. The award reflects Harnik's generous support for Austrian charitable organizations. He is a general practitioner at Harnik Law Firm and the attorney for the Austrian government in New York. In 2007, the Austrian government awarded him a gold decoration in honor of his services to the Republic of Austria.

H. Jefferson Megargel, II – reports that he hasn't worked as a solo practitioner since 1994. He also reports that in 1979, he published in the *Gonzaga Legal Journal* an article entitled, "Eminent Domain of

*Denotes 2014 reunion year classes.

Beachfront Property.” It should be noted that this article sets forth the applicable law in the state of Ohio.

Class of 1979*

Stephen A. Markus – of Ulmer & Berne LLP, was selected for inclusion in *The Best Lawyers in America*® for 2014.

Joseph M. Sellers – of Cohen Milstein, has been named 2014 Washington, D.C., Litigation — Labor & Employment “Lawyer of the Year” by *The Best Lawyers in America*®.

Class of 1980

Bill J. Gagliano – of Ulmer & Berne LLP, was selected for inclusion in *The Best Lawyers in America*® for 2014.

James A. Goldsmith – of Ulmer & Berne LLP, was selected for inclusion in *The Best Lawyers in America*® for 2014.

M. Patricia Oliver – has joined Tucker Ellis LLP as a partner. Oliver chairs the Financial Services Group and maintains an active practice representing banks and thrifts before federal and state regulators.

Class of 1981

Alexander M. Andrews – of Ulmer & Berne LLP, has been appointed to the Board of Trustees of the Delaware County Cultural Arts Center, also known as The Arts Castle, a premier community teaching center for the arts.

Thomas C. Blank – of Shumaker, Loop & Kendrick LLP, was selected as the 2014 Toledo Banking and Finance Law “Lawyer of the Year” by *The Best Lawyers in America*®.

Jeffrey J. Casto – of Roetzel & Andress, LPA, was selected for inclusion in *Ohio Super Lawyers*® 2014.

Rita A. Maimbourg – of Tucker Ellis LLP, was selected for inclusion in *The Best Lawyers in America*® for 2014.

Matthew P. Moriarty – of Tucker Ellis LLP, was selected for inclusion in *The Best Lawyers in America*® for 2014.

Class of 1982

Nancy G. McMillen – has been elected president of the Ohio Association of Magistrates. She has been a Magistrate with the Cuyahoga County Juvenile Court since 1996.

Edward W. Moore – of RPM International Inc., has been elected to senior vice president, general counsel, chief compliance officer and secretary.

Elizabeth M. Myers – is partner with Verrill Dana’s Business & Corporate Group. Her practice focuses on all aspects of corporate, antitrust and health care law, with extensive transactional experience in mergers, acquisitions and reorganizations. She was also selected for inclusion in *The Best Lawyers in America*® for 2014.

James J. Turek – of Reminger Co., LPA, was selected for inclusion in *The Best Lawyers in America*® for 2014.

Class of 1983

Jeffrey A. Baddeley – of Ulmer & Berne LLP, was selected for inclusion in *The Best Lawyers in America*® for 2014.

R. Mark Jones – of Roetzel & Andress, was selected for inclusion in *The Best Lawyers in America*® for 2014. He was also selected for inclusion in *Ohio Super Lawyers*® 2014.

David L. Lester – of Ulmer & Berne LLP, was selected for inclusion in *The Best Lawyers in America*® for 2014.

George M. Moscarino – of Moscarino & Treu LLP, is the recipient of the 2014 Presidential Citation Award from The Academy of Medicine of Cleveland & Northern Ohio (AMCNO).

Ronn S. Nadis – of Couzens Lansky Fealk Ellis Roeder & Lazar P.C., was selected for inclusion in Michigan *Super Lawyers*® for 2013. He was also recognized for his outstanding achievement in his area of business practice in the *Super Lawyers*® Business Edition 2013.

Raymond C. Pierce – of Nelson Mullins Riley & Scarborough LLP, has been elected to the Boards of Directors for both the holding company and its wholly owned subsidiary, Mechanics and Farmers Bank (M&F Bank).

Alan W. Scheufler – of Ulmer & Berne LLP, was selected for inclusion in *The Best Lawyers in America*® for 2014.

Class of 1984*

Lester L. Barclay – of Barclay Law Group, authored a book called, *The African American Guide to Divorce and Drama*, which was featured in an issue of *Essence and Ebony*.

Marc B. Merklin – of Brouse McDowell, was selected for inclusion in *The Best Lawyers in America*® for 2014.

Richard S. Mitchell – of Roetzel & Andress, was selected for inclusion in *Ohio Super Lawyers*® 2014.

Mary P. Morningstar – is associate general counsel for the Lockheed Martin Corporation, which was one of the designers for the 2014 Olympics U.S. speed skater suits.

Anthony J. O’Malley – of Vorys, Sater, Seymour and Pease LLP, was selected for inclusion in *The Best Lawyers in America*® for 2014. He was also selected for inclusion in *Ohio Super Lawyers*® 2014.

William G. Porter – of Vorys, Sater, Seymour and Pease LLP, was selected for inclusion in *The Best Lawyers in America*® for 2014. He was also selected for inclusion in *Ohio Super Lawyers*® 2014. ►

ALUMNI CLASS NOTES

Class of 1985

Laura Kingsley Hong – has joined Tucker Ellis LLP as a partner in the firm's Mass Tort & Product Liability Practice Group.

Ruth D. Kahn – of Steptoe & Johnson, LLP, was recognized by California Women Lawyers as one of 16 "Women of Achievement" for 2012-2013. She was also honored by the State Bar of California with a President's Pro Bono Service Award.

J. Bret Treier – of Vorys, Sater, Seymour and Pease LLP, was selected for inclusion in *The Best Lawyers in America*® for 2014.

Kevin M. Young – of Tucker Ellis LLP, was selected for inclusion in *The Best Lawyers in America*® for 2014.

Class of 1986

Christopher J. Carney – of Brouse McDowell, was selected for inclusion in *The Best Lawyers in America*® for 2014. He was also listed in the 2014 edition of *Super Lawyers*®.

Suzanne K. Saganich – of Roetzel & Andress, was selected for inclusion in *The Best Lawyers in America*® for 2014 and *Ohio Super Lawyers*® 2014.

David J. Tocco – of Vorys, Sater, Seymour and Pease LLP, was selected for inclusion in *Ohio Super Lawyers*® 2014.

Michael S. Tucker – of Ulmer & Berne LLP, was selected for inclusion in *The Best Lawyers in America*® for 2014.

David H. Wallace – of Taft, Stettinius & Hollister LLP, was recognized as a "Leader in their Field" in the 2013 edition of *Chambers USA*. He was also selected for inclusion in *The Best Lawyers in America*® for 2014 and *Ohio Super Lawyers*® 2014.

Class of 1987

James J. Chester – of Taft, Stettinius & Hollister LLP, was selected for inclusion in *The Best Lawyers in America*® for 2014.

Jill Friedman Helfman – of Taft, Stettinius & Hollister LLP, was selected for inclusion in *The Best Lawyers in America*® for 2014 and in *Ohio Super Lawyers*® 2014.

John F. McCaffrey – of Tucker Ellis LLP, was selected for inclusion in *The Best Lawyers in America*® for 2014.

Class of 1988

C. Elizabeth O'Keeffe – has joined Wyatt, Tarrant & Combs LLP as counsel on the firm's Health Care Service Team.

Victor T. Geraci – has joined Fisher & Phillips LLP as a partner.

Class of 1989*

Marc S. Katz – of The Patterson Law Firm, LLC, was elected as an interest holder (partner) in the firm.

Rosemonde Pierre-Louis – has been named by New York City Mayor de Blasio as commissioner to combat domestic violence. She was previously the Deputy Manhattan Borough President.

Susan L. Racey – of Tucker Ellis LLP, was selected for inclusion in *The Best Lawyers in America*® for 2014.

James C. Scott – is partner with Black McCuskey Souers & Arbaugh, LPA. He practices in the area of intellectual property rights and related litigation.

Class of 1990

Robert B. Graziano – of Roetzel & Andress, LLP, was selected for inclusion in *Ohio Super Lawyers*® 2014.

Ronald A. Mingus – of Reminger Co., LPA, was appointed as managing partner of the Indianapolis office.

Dominic A. DiPuccio – of Taft, Stettinius & Hollister LLP, was selected for inclusion in *The Best Lawyers in America*® for 2014.

Jennifer A. Savage – has joined Walter, Haverfield LLP as a partner in the firm's Tax and Wealth Management Section.

Class of 1991

Jacklyn J. Ford – of Vorys, Sater, Seymour and Pease LLP, was selected for inclusion in *The Best Lawyers in America*® for 2014.

Class of 1992

Elizabeth A. Kaveny – of Burke Wise Morrissey & Kaveny, L.L.C., was recently featured as one of five rising stars in Personal Injury Law in *Crain's Chicago Business*. She has also been named President-Elect of the Chicago Chapter of the American Inns of Court. Additionally, she was featured in a recent edition of *Chicago Magazine* in the Super Lawyer Spotlight as among the Top Women Attorneys in Illinois.

S. Peter Voudouris – of Tucker Ellis LLP, was selected for inclusion in *The Best Lawyers in America*® for 2014.

Class of 1993

William D. Edwards – of Ulmer & Berne LLP, was selected for inclusion in *The Best Lawyers in America*® for 2014.

Thomas R. Simmons – of Tucker Ellis LLP, was selected for inclusion in *The Best Lawyers in America*® for 2014.

Class of 1994*

James O. Craven – of Wiggin and Dana LLP, was the recipient of the Connecticut Bar Association's Anthony V. DeMayo Pro Bono Award.

Douglas T. Fowler – has published a variety of fiction via Print On Demand and eBook fiction available at lulu.com and the Nook store, Amazon, etc. See a list at <http://www.lulu.com/spotlight/Baseballifsandmore> – including alternate American and baseball history where the game was always

*Denotes 2014 reunion year classes.

ALUMNI CLASS NOTES

integrated, a comedy including such things as a car arrested for bank robbery, and books for young people.

David A. Lum – of Brouse McDowell, was selected for inclusion in *The Best Lawyers in America®* for 2014.

Michael P. Robic II – was recently named associate general counsel for the Allegheny Health Network, a collection of eight hospitals throughout Western Pennsylvania.

Class of 1995

Brian R. Carnie – previously of Cook, Yancey, King & Galloway, has joined Kean Miller LLP as a partner.

Class of 1996

Howard J. Bobrow – of Taft, Stettinius & Hollister LLP, was selected for inclusion in *The Best Lawyers in America®* for 2014. He was also selected for inclusion in *Ohio Super Lawyers®* 2014.

Christopher G. Keim – of Frantz Ward LLP, has been elected to the firm's first-ever Management Committee, which will establish the firm's strategic direction and its day-to-day operations for the growing needs of the firm and the expanding needs of the firm's clients.

Kristin L. Pruitt – of Lakeland Financial Corporation and Lake City Bank, has been promoted to executive vice president.

Class of 1998

Richik Sarkar – previously of Ulmer & Berne LLP, has joined McDonald Hopkins LLC as a member.

Class of 1999*

John M. Alten – of Ulmer & Berne LLP, was selected for inclusion in *The Best Lawyers in America®* for 2014.

Yelena Boxer – of Ulmer & Berne LLP, was selected for inclusion in *The Best Lawyers in America®* for 2014.

Larry B. Donovan – is a partner with Black McCuskey Souers & Arbaugh, LPA. He practices in the area of intellectual property rights and related litigation.

Caroline L. Marks – of Brouse McDowell, was listed as a Rising Star in the 2014 Edition of *Super Lawyers®*.

Class of 2000

Matthew E. Albers – of Vorys, Sater, Seymour and Pease LLP, was selected for inclusion in *The Best Lawyers in America®* for 2014.

Bryan J. Farkas – of Vorys, Sater, Seymour and Pease LLP, was selected for inclusion in *The Best Lawyers in America®* for 2014.

Scott W. Henry – of Segal McCambridge Singer & Mahoney, Ltd., has been elected equity shareholder.

Jodi Rich – of Ulmer & Berne LLP, was selected for inclusion in *The Best Lawyers in America®* for 2014.

Class of 2001

Benjamin I. Bard – is vice president and global chief compliance officer for Archer Daniels Midland Company. Bard is responsible for ADM's Office of Compliance and will oversee the company's compliance policies and programs.

Kate M. Bradley – of Brouse McDowell, was listed in the 2014 edition of *Super Lawyers®*.

Class of 2002

Robert S. Lewis – previously of Thompson Hine, has joined Safeguard Properties as an in-house attorney.

Brian D. Wright – of Faruki, Ireland & Cox, PLL, has been named partner in charge. He was also selected a Rising Star by *Ohio Super Lawyers®* for 2014.

Class of 2003

Gregory G. Guice – of Reminger Co. LPA, was named to the Lawyers of Color Inaugural Hot List.

Class of 2004*

Brian J. Beller – of Phillips Nizer LLP, was elected to partnership.

Gina K. Eiben – of Perkins Coie, is now partner. She is a member of the firm's Business practice, focusing on public offerings, mergers and acquisitions, securities compliance, corporate governance, private placements, restructurings and spinoffs.

Brendan J. McCarthy – of Thompson Hine LLP, was elected to partnership. He is a member of the Corporate Transactions & Securities group in the Cleveland office.

Harold M. Schwarz, III – of Stark Knoll, was selected a Rising Star by *Ohio Super Lawyers®* for 2014.

Michael J. Zbiegien, Jr. – of Taft Stettinius & Hollister LLP, was listed as a Rising Star in the 2014 Edition of *Super Lawyers®*.

Class of 2005

John J. Harrington – of BakerHostetler LLP, has been elected to partnership.

Javier A. Pacheco – of Porter Wright, was selected for inclusion in *Florida Super Lawyers®*—Rising Stars Edition 2013.

Philip J. Truax – has joined Wickens, Herzer, Panza, Cook & Batista as a member of the Litigation and Real Estate Departments, and focuses primarily on a variety of construction and real estate matters, commercial and environmental litigation, and product liability.

Class of 2006

Christopher B. Ermisch – of Taft Stettinius & Hollister LLP, was selected for inclusion in *Ohio Super Lawyers®* 2014. ►

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Lisa M. Ghannoum – of BakerHostetler LLP, has been elected to partnership.

Beau D. Hollowell – of Marshall Dennehey Warner Coleman & Goggin, was a featured speaker at the 2013 annual conference of the National Society of Professional Insurance Investigators.

Lisa F. Levy – is the director of policy, advocacy & organizing for the New York City Coalition Against Hunger. Prior to this role she spent six years as a staff attorney with Nassau Suffolk Law Services.

Kelly A. Lipinski – of McGlinchey Stafford, PLLC, has been elected as a member of the firm.

Erin Jochum Roberts – of Smith Moore Leatherwood LLP, has been elected to the partnership in the firm's Raleigh and Wilmington, NC offices.

Pratheep Sevanthinathan – of The Seva Law Firm, recently published an LSAT manual through his publisher, The University Press of America. A link to the manual can be found here - <http://www.amazon.com/smarTEST-Prep-Guide-Logic-Games/dp/0761862714>

Class of 2007

Kevin R. Caudill – has joined Calfee, Halter & Griswold LLP as an associate in the Corporate practice group.

Jennifer B. Orr – of Taft Stettinius & Hollister LLP, was listed as a Rising Star in the 2014 Edition of *Super Lawyers*®.

Michael G. VanBuren – of Brouse McDowell, was listed as a Rising Star in the 2014 Edition of *Super Lawyers*®.

Seth H. Wamelink – of Tucker Ellis LLP, has been promoted to counsel. He practices in the areas of products liability, commercial litigation, medical malpractice, and construction litigation.

Class of 2008

Pingshan Li – of Ulmer & Berne LLP, has joined the Advisory Board of Invest Guangzhou International. The international advisors of Invest Guangzhou International were established in 2005 and assist with the economic development of the City of Guangzhou, one of the largest cities in China.

Pantea F. Stevenson – has started her own law firm and is licensed to practice in Virginia, New York, Pennsylvania and New Jersey.

Class of 2009*

S. Colin G. Petry – previously of BakerHostetler, has accepted a position with Washington D.C.'s Department of General Services with the Office of the Attorney General.

Class of 2010

Robert A. Jefferis – of Fay Sharpe LLP, participated in Case Western Reserve University's International Friendship Family Program. Friendship families get together with their assigned international student about every month, for a year, for a home-cooked meal, events on campus or an outing in Cleveland.

Class of 2012

Adam J. Centner – previously of Schuster & Simmons Co., is now an associate with Pappas Gibson LLC.

Elizabeth V. Sparks – is now a managing member of Elizajul Music, LLC and an executive producer at Alta Media Arts, LLC. She moved to California after graduation and began two companies — a music publishing company and a documentary film production company. Their current projects can be found here — <http://altamediaarts.com/upcoming.html>.

Class of 2013

Daniel T. Falk – has joined Ulmer & Berne LLP in the firm's Intellectual Property & Technology practice and is registered to practice before the U.S. Patent and Trademark Office.

Matthew K. Grashoff – has joined Brouse McDowell as an associate in the firm's Litigation Group.

Andrew Guran – has joined Vorys, Sater, Seymour and Pease LLP as an associate in the firm's Litigation Group.

Paul L. Janowicz – has joined Tucker Ellis LLP as an associate, where he represents clients in complex commercial litigation and white collar criminal matters.

Veronica M. Lambillotte – has joined Calfee, Halter & Griswold LLP as an associate in the Intellectual Property practice group.

Amanda K. Maly – has joined Hall, Render, Killian, Heath & Lyman as an associate attorney, where she focuses on general health care matters and transactions, including supply chain contracting and hospital and physician arrangements and contracting.

Lisa M. Okasinski – has joined Demorest Law Firm, PLLC as an associate.

Daniela Paez Paredes – has joined Ulmer & Berne LLP as an associate in the firm's Litigation Department with a focus on complex business litigation, employment litigation, and securities.

Gregory P. Scholand – has joined Harter Secrest & Emery LLP as an associate in the firm's Environmental, Land Use and Zoning practice group in the Buffalo office. His practice focuses on environmental due diligence, regulatory compliance, land use and zoning issues.

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In Memoriam



In Memoriam includes names of deceased alumni forwarded to Case Western Reserve University School of Law in recent months.

ADRIA SANKOVIC

(1948-2013)

Susan H. Abramson (LAW'84)
Betty Meyer Baskin (LAW'47, FSM'47)
William Alexander Brahms (ADL'51, LAW'54)
Dorothy Higley Bretnall (LAW'81, LAW'96)
Kurt Arthur Breunig (LAW'79)
Bruce M. Cichocki (LAW'75)
Jeffrey Steven Creamer (LAW'79)
John Grant Day (LAW'61)
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Thomas H. DeChant (LAW'58)
Pasquale DiMassa, Jr. (LAW'01)
Gary W. Dubin (ADL'61, LAW'65)
Lee J. Dunn, Jr. (LAW'70)
Jonathan S. Dworkin (ADL'60, LAW'62)
Richard Lawrence Friedman (LAW'82)
James G. Gowan (LAW'65)
Matthew Christopher Grady (LAW'12)
Noel E. Kaech (LAW'70)
Paul Robert Lovejoy (LAW'81)
Lynn Heyne Lynch (LAW'66)
Mel J. Massey (ADL'50, LAW'52)
Eugene F. McShane (LAW'71)
Mark W. Nicholson (LAW'85)
Ellen Marguerite O'Hara (LAW'86)
Alfred J. Palmer (LAW'47)
Ronald Lee Purdy (LAW'92)
Richard C. Rose, Jr. (ADL'65, LAW'68)
Gerald H. Rubin (ADL'65, LAW'68, LAW'74)
Mark Walter Ruf (LAW'90)
Nicholas Richard Sagan (ADL'55, LAW'58)
George V. Sauter (LAW'46)
Michael B. Shagrin (ADL'61, LAW'64)
Thomas W. Sharratt (CLC'50, LAW'52)
Jack E. Short (LAW'58)
Michael John Soteriou (LAW'86)
William H. Stein (LAW'51)
Lawrence E. Stewart (LAW'50)
Frank Vaccariello (CLC'47, LAW'50)
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William M. Warren (LAW'52)
David B. Weaver (LAW'48)
Henry T. Webber (LAW'62)
John Smith Wilbur, Jr. (LAW'71)
Donald M. Wolfson (LAW'53)
William L. Ziegler (LAW'55)



Adria J. Sankovic, a beloved member of the School of Law staff for more than two decades, passed away on December 27. She served as assistant director of the LL.M. in U.S. and Global Legal Studies program for more than two decades before retiring in 2012. In this role she counseled and assisted hundreds of foreign lawyers from all over the world.

"Adria was the mom to two generations of LLM students. She implemented the LLM family atmosphere for which the law school rightfully takes so much pride," said Lewis K. Katz, John C. Hutchins Professor and Director of Foreign Graduate Studies. "The LLM graduates' messages when they learned of her death were filled with memories of her many kindnesses and the many special things she did to make them feel at home here at Case."

Students honored her as the law school's Administrator of the Year and alumni held a reunion in her honor in Bangkok, Thailand. Previously she was on the staff of the Executive M.B.A. program at the Weatherhead School of Management and taught Russian language courses at John Carroll University.

Born in Zagreb in what is now Croatia, Adria's family moved to this country in 1958. After graduating from Cleveland Heights High School, she received two degrees from Case Western Reserve University: B.A. *cum laude* (1971) and M.A. in Russian Language and Literature (1973). She is survived by her husband, John; daughters, Diana and Julie (Law '06); and stepson, John.

The law school created the Adria Sankovic award which will be given at graduation each year to an LL.M student who manifest's her kindness and spirit of cooperation. ■

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